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UNITED NATIONS DECADE OF INTERNATIONAL LAW

Report of the Secretary-General

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I. INTRODUCTION

1. The present report has been prepared pursuant to paragraph 3 of General Assembly resolution 44/23 of 17 November 1989, entitled "United Nations Decade of International Law", in which the Secretary-General was requested to seek the views of Member States and appropriate international bodies, as well as of non-governmental organizations working in the field, on the programme for the United Nations Decade of International Law and on appropriate action to be taken during the Decade, including the possibility of holding a third international peace conference or other suitable international conference at the end of the Decade, and to submit a report thereon to the Assembly at its forty-fifth session.

2. By its resolution 44/23, the General Assembly declared the period 1990-1999 as the United Nations Decade of International Law. The main purposes of the Decade, according to paragraph 2 of the resolution, should be, inter alia:

(a) To promote acceptance of and respect for the principles of international law;

(b) To promote means and methods for the peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice;

(c) To encourage the progressive development of international law and codification;

(d) To encourage the teaching, study, dissemination and wider appreciation of international law.

In paragraph 4 of the resolution, the Assembly decided to consider the question at its forty-fifth session in a working group of the Sixth Committee with a view to preparing generally acceptable recommendations for the Decade.

3. By a note dated 23 January 1990, followed by a note dated 8 February 1990, the Secretary-General invited the Governments of Member States to submit the replies referred to in paragraph 3 of resolution 44/23. A similar request was transmitted by letters dated 16 January and 2 February to intergovernmental organizations and non-governmental organizations working in the field.

4. As at 15 August 1990, replies had been received from Afghanistan, Argentina, Australia, Bulgaria, Canada, China, Colombia, Côte d'Ivoire, Cuba, Cyprus, Finland (on behalf of the Nordic countries), Greece, Guyana, Ireland (on behalf of the twelve States members of the European Community), the Libyan Arab Jamahiriya, New Zealand, Switzerland, the Union of Soviet Socialist Republics, Venezuela and Yugoslavia. Replies had also been received from the International Court of Justice, the Food and Agriculture Organization of the United Nations (FAO), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the World Bank, the International Maritime Organization (IMO), the World Intellectual Property Organization (WIPO), the International Research and Training Institute for the Advancement of Women (INSTRAW), the United Nations Institute for Disarmament

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Research (UNIDIR), the Preparatory Commission for the International Sea-bed Authority and for the International Tribunal for the Law of the Sea, the United Nations Commission on International Trade Law (UNCITRAL), the Agency for the Prohibition of Weapons in Latin America and the Caribbean, the Asian-African Legal Consultative Committee (AALCC), the Commonwealth Secretariat, the Council of Europe, the Permanent Court of Arbitration, the International Commission of Jurists, the International Committee for the Red Cross, the Inter-Parliamentary Union and the World Association for World Federation.

5. The substances of the views are summarized and grouped under the following headings: (a) general comments; (b) promotion of the acceptance of and respect for the principles of international law; (c) promotion of means and methods for the peaceful settlement of disputes between States; (d) promotion of the resort to and full respect for the International Court of Justice; (e) encouragement of the progressive development of international law and its codification; (f) encouragement of the teaching, study, dissemination and wider appreciation of international law; and (g) the proposal to convene a third international peace conference or other suitable international conference at the end of the Decade. The replies themselves are reproduced in the annexes to this report.

II. SUMMARY OF VIEWS CONTAINED IN THE REPLIES

A. General comments

6. The declaration by the General Assembly of a United Nations Decade of International Law (1990-1999) was welcomed by all States and organizations that have responded to the notes of the Secretary-General. Many of them were of the view that the Decade should achieve certain objectives: for example, to promote peace and security among nations; to strengthen multilateral diplomacy and co-operation; to enhance the effectiveness of international law in international relations; to draw the attention of States to the need to fulfil their commitment under international law; to exchange information between the various sectors of international law; to reaffirm the basic principles and norms of international law (e.g., non-use of force and non-intervention in internal affairs); to prepare a strategy for the development of international law to meet future challenges and needs; to eradicate colonialism and its consequences; to search for solutions to economic and financial problems (e.g., debt burden, monetary instability, trade imbalance); or to facilitate exchange of information, scientific research and non-militarization of outer space. There were proposals to mark the fortieth anniversary of the Bandung Conference, the fiftieth anniversaries of the adoption of the Charter of the United Nations and the statute of the International Court of Justice, as well as the centennial of the Permanent Court of Arbitration during the Decade.

7. Many of the States and organizations reiterated support for the main purposes of the Decade, referred to in paragraph 2 of resolution 44/23. Some were of the view that in developing programmes for the Decade, priority should be given to the dissemination and wider appreciation of international law and to the promotion of means and methods for the peaceful settlement of disputes between States. In some of the replies, specific suggestions were made on the means by which those purposes

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may be achieved. Some of the international organizations also indicated the activities that they were carrying out in their own specific areas of competence towards the promotion of international law and the implementation of the objectives of the Decade.

8. There was a widely shared view that in order for the Decade to be successful its programmes should be generally acceptable, well defined and action oriented; they should be concrete and realistic and should not cause duplication of work of existing organs. Some also felt that the programmes of the Decade must not prejudice the sovereign rights of States. There was also the view that the programmes should be carried out at the national, regional and international levels and be co-ordinated by an appropriate mechanism established within the framework of the United Nations. The issuance of a special stamp for raising funds and for publicity of the Decade was also suggested. It was further proposed to establish a special fund for the Decade to be financed, inter alia, by voluntary contributions from Member States and to be administered by the Secretary-General in collaboration with the Advisory Committee of the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law.

9. A suggestion was also made that after the initial phase of a general review of the role of international law, the activities of the Decade should then proceed on a thematic basis (e.g., humanitarian law, human rights) so as to designate a certain period of time for dealing with a given number of specific topics of international law.

10. The General Assembly's decision to establish an open-ended working group of the Sixth Committee to elaborate recommendations for the programmes of the Decade was specifically referred to in a number of replies and welcomed by many. The work of the group should, in their view, proceed on the basis of consensus and all interested parties should be given an opportunity to participate in it. Some also considered that the work of the group should continue throughout the Decade. In this regard, the role of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization ^{1/} was also pointed out. In the view of some others, the working group could also consider at an appropriate time the question of preparing one or more binding instruments to be adopted by consensus at the end of the Decade (see also paras. 34-36 below).

B. Promotion of the acceptance of and respect for the principles of international law

11. It was implicitly acknowledged that major problems existed in the search for wider acceptance of and greater respect for international law. It was suggested that consideration should be given to such questions as the following: identification of the basic principles of international law, problems of their implementation and further elaboration, and the need for introducing new principles; the strengthening of existing guarantees and the creation of new guarantees for the strict observance by States of their obligations in international law through full utilization of the existing monitoring and implementation machinery and the development of new machinery; the issue of reaching a uniform understanding of the content, norms and principles of

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international law through discussion at both the governmental and intergovernmental levels; and the role of international law in international relations, particularly, the attitude of States towards international law and their usage thereof, and the impact of international law on the decisions of States.

12. Other comments pointed out the need for strengthening the respect for existing law and principles (particularly, pacta sunt servanda), rather than creating new laws and procedures. The need was stressed for adopting measures to ensure the universal participation of States in the most important multilateral treaties. States were thus called upon to ratify or accede to and to implement existing multilateral treaties in various fields, for example, human rights, humanitarian law, prevention and suppression of international terrorism, and the protection of the environment. With a view to facilitating treaty acceptance and to ensuring the speedy entry into force and effective implementation of treaties, it was suggested that the procedures used for elaborating treaties and for reaching consensus at negotiations be reviewed and assessed, and that the criteria for such assessment be analysed. It was also suggested that reports on the status of ratifications of and accessions to treaties by individual States be considered periodically in order to monitor progress made during the Decade.

13. One way to enhance acceptance of and respect for the principles of international law was, according to some, to encourage States to accept international law as part of their municipal laws and to have their courts apply them; in this manner, international law would be applied directly as the law of the land. To that end, it was suggested to draw up a series of recommendations on more effective ways to incorporate international law into municipal law.

14. The point was also made that in certain countries the efforts of national judges and lawyers in promoting respect for and acceptance of international law at the national level were made more difficult because of the lack of easily accessible materials relating to the decisions of international tribunals. It was suggested that that situation should be improved and that it should be addressed by the United Nations and regional organizations (see also paras. 28 and 31). The absence of adequately skilled professionals in international law was also mentioned as a cause for the failure of some States to become parties to or to implement multilateral treaties. It was proposed that the provision of technical and financial assistance to such States could remedy the situation, following the programme initiated by the United Nations for the implementation of the United Nations Convention on the Law of the Sea. 2/

15. Further regulation of the conduct of armed conflicts was suggested, particularly from the standpoint of protecting war victims. In this regard, attention was drawn to the four 1949 Geneva Conventions on the protection of victims of armed conflicts 3/ and the 1977 Additional Protocols thereto, 4/ in which the States parties undertake not only to respect the provisions of those instruments by themselves but also to ensure that the provisions are fully respected by others.

C. Promotion of means and methods for the peaceful settlement of disputes between States

16. In the view of many the promotion of means and methods for the peaceful settlement of disputes between States should constitute a major activity of the Decade.

17. The proposal to elaborate an international convention on the peaceful settlement of disputes received considerable support. According to them, such a convention should contain the widest possible spectrum of practical means, including, for example, conflict detection and prevention, fact-finding, negotiation, reporting to United Nations organs, third-party adjudication and binding decisions; a State party would have a right under such a convention to choose the method or methods that it considered most appropriate for settling disputes in general or certain kinds of disputes. Such an instrument could be prepared either by the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization or by an ad hoc committee or could be negotiated and concluded at an international diplomatic conference.

18. It was also suggested that the forthcoming centennial anniversary of the Permanent Court of Arbitration at the end of the Decade could serve as an incentive to focus attention on the services that the Court could render in the area of peaceful settlement of disputes by means of arbitration, conciliation and fact-finding. It was suggested that the United Nations University and similar institutions be requested to promote activities at the regional and subregional levels aimed at identifying potential sources of conflict and applying the most adequate means of peaceful settlement of disputes.

19. A suggestion was made that due attention should be paid to procedures and mechanisms for preventing and settling disputes involving the environment, particularly transboundary pollution, and that such questions should be taken up in the context of progressive development and codification of international law. It was also suggested that the Secretariat should prepare a practical guide of the disputes settlement procedures of the United Nations Convention on the Law of the Sea.

20. There was, however, another view that priority should be given to the use or increased use of existing international bodies and mechanisms in this field and to the implementation of settlement of dispute clauses contained in existing legal instruments, rather than setting up new bodies or elaborating new instruments or procedures. Wider resort to arbitration and other third-party adjudication procedures was suggested.

21. The view was also expressed that the means envisaged in the system of the United Nations for the settlement of disputes were not fully utilized and that the Organization's peace-making capacity needed to be strengthened. The activities of the Secretary-General in the settlement of international disputes and conflicts should receive further encouragement. The work of the Security Council should also be enhanced; the Council should itself take the initiative to perform the functions entrusted to it under the Charter of the United Nations, particularly under Articles 28, paragraph 1 (continuous functioning of the Council), 33, paragraph 2,

calling upon the parties to settle their dispute), 34 (investigating any dispute or any situation which might lead to international friction or give rise to a dispute), 36, paragraph 1 (recommending appropriate procedures or methods of adjustment) and 37, paragraph 2 (decision to take action or to recommend terms of settlement).

D. Promotion of the resort to and full respect for the International Court of Justice

22. Considerable support was voiced for the enhancement of the role and effectiveness of the International Court of Justice on the ground that the Court is the principal judicial organ of the United Nations and, thus, has a pivotal role to play in the settlement of disputes. The following suggestions were made in this regard: (a) the judgements of the Court should be made available in all United Nations official languages; (b) provisions for resorting to the Court in settlement of disputes should be included in treaties; (c) acceptable conditions for the recognition by States of the binding jurisdiction of the Court should be elaborated; (d) a survey of treaties should be prepared by the Secretary-General to indicate the extent to which States parties have accepted the jurisdiction of the Court with respect to the interpretation and application of those treaties; (e) an appeal should be made to all States to accept the jurisdiction of the Court under article 36, paragraph 2, of its Statute, and to withdraw reservations on treaty provisions granting jurisdiction to the Court, and an annual list of States that have complied with the appeal should be prepared and circulated to the General Assembly; (f) a conference should be convened during the Decade to discuss specifically the question of the jurisdiction and functioning of the Court, with a view to finding ways for increasing acceptance of its jurisdiction by States in certain fields of international law; (g) the role of the Court should be expanded and strengthened, particularly with respect to verification of and compliance with legal instruments; (h) the question of the composition of the Court should be reviewed with the possibility of increasing its membership in keeping with the increased membership of the United Nations; (i) efforts should be made for more frequent use of the Court through advisory opinions procedures; (j) the Hague Academy of International Law should help to promote wider resort to the Court and other international tribunals, as well as respect for their judgements, by emphasizing the contribution of such judgements to the peaceful settlement of disputes; and (k) a programme of internships and fellowships at the Court should be considered. In this regard, the Secretary-General's initiative to set up a trust fund to assist countries in using the Court was considered as an important means for ensuring a wider access of States to the Court.

E. Encouragement of the progressive development of international law and its codification

23. While there was support for encouraging the progressive development of international law and its codification, a general view was that such activities should concentrate on those topics which were generally considered important and reflected the changing priorities of international life; they should also aim at

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filling gaps in the law in a realistic way so as to attract general acceptance; they should not duplicate work undertaken in other forums, particularly, the International Law Commission.

24. The following specific suggestions were made: (a) there should be an assessment based on an analysis of past experience on the various means of codification by treaties (e.g., framework conventions embodying basic principles, regulatory conventions providing for specific rule etc.), and on when and how customary law should be codified; (b) the role of the International Law Commission should be strengthened and its contribution, as well as that of the Sixth Committee of the General Assembly and the United Nations Commission on International Trade Law to the progressive development of international law, should be more clearly defined; (c) States which have not yet done so should be called upon to consider ratifying or acceding to existing multilateral conventions; (d) the role of international law and its future should be re-evaluated in the context of an interdependent and changing world (including the evolving relationship between national and international law); (e) the contributions of the specialized agencies in developing international law in their areas of competence should be acknowledged, reassessed and encouraged; and (f) ways and means should be analysed to adapt traditional treaty-making procedures to the need for speedy updating of international instruments due to rapid technological changes.

25. As to specific areas in which codification or progressive development may be considered, the following were mentioned: (a) the establishment of an international criminal court with competence to try individuals for crimes under international law, including drug trafficking, terrorism and crimes against peace and security; (b) the elaboration of a code of conduct of States, entailing international responsibility for the violation of the basic principles of international law, such as those contained in the relevant declarations and resolutions of the United Nations (see para. 29); (c) the formulation of rules of international law for establishing a new international economic order to promote growth and development; (d) legal means for the promotion and guarantee of food security and the "right to food" as a human right, for the stabilization of prices for raw materials, and for dealing with the problems of external debt burden, international trade barriers and economic coercion; (e) minority rights and women's rights in the development process; (f) the elaboration of international norms related to drug abuse and illicit trafficking; (g) the elaboration of legal norms for bringing about complete disarmament, particularly nuclear disarmament, and the elimination of weapons of mass destruction; (h) an analytical study on the sources of international law, including such instruments as declarations and resolutions of the United Nations; (i) humanitarian concepts and principles relating to human rights and fundamental freedoms; (j) the development of children and youth; (k) protection of the global environment, including a project to examine the issues from the standpoint of the interests and economic development of the developing countries; and (l) maritime law.

F. Encouragement of the teaching, study, dissemination and wider appreciation of international law

26. The topic of the teaching, study, dissemination and wider appreciation of international law was generally considered as one of the most important and practical activities for achieving the main objectives of the Decade, particularly for promoting acceptance of and respect for international law. Such activities were regarded as a means through which the public conscience could be raised. The observance of the Decade should, thus, involve the public at large, in addition to statesmen, decision-makers and experts.

27. The following specific suggestions were made regarding the teaching and study of international law: providing students in law schools and those in other disciplines (e.g., economics and political science) with mandatory basic courses in international law; encouraging the training of teachers of international law; and improving and updating methods of the teaching of international law; and improving and updating methods of the teaching of international law and the production of practical teaching material, such as a general manual on international law to be prepared by the United Nations and to concentrate on the practice and the practical aspects of international law (as opposed to theories of international law).

28. Many responses drew attention to the usefulness of organizing seminars, symposia, training courses, lectures and meetings for the purpose of wider dissemination and better understanding of international law. The participation in training and research activities of young legal professionals and personnel from the ministry of foreign affairs was specially mentioned. The role of the United Nations in this regard (including the Programme on the Teaching, Study, Dissemination and Wider Appreciation of International Law) and that of the regional organizations should be further strengthened. The need for adequate funding for scholarships and fellowships was stressed. Those institutions offering courses in training and research in international law were encouraged to expand their activities, particularly for the benefit of students from the developing countries. Co-operation in this regard among the developing countries themselves was also stressed and considered important for exchange of experience and mutual assistance. States and relevant organizations were called upon to take constructive measures, including preparing promotional materials on various subjects of international law, to inform the public through the media of the importance of international law, particularly, in effecting peaceful resolutions to problems, and of the working of the International Court of Justice in the development of the law.

29. References were made in a number of replies to certain landmark instruments adopted by the General Assembly, for example, the Declaration on the Principles of International Law concerning Friendly Relations and Co-operation Among States in accordance with the Charter of the United Nations (Assembly resolution 2625 (XXV), annex), the Declaration on the Inadmissibility of Intervention and Interference in the Internal Affairs of States (Assembly resolution 36/103, annex), and the Manila Declaration on the Peaceful Settlement of Disputes (Assembly resolution 37/10, annex). In that context, it was suggested that a review of the principles contained therein might be warranted with the objective of reaffirming them for wider dissemination and better compliance.

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30. The study of the concept of collective security was suggested on the ground that that concept was a fundamental element of international legal order that had hitherto not been adequately studied by the world community.

31. There was also a suggestion to include in the programme of the Decade a research project on developing countries and international law, the purpose of which would be to conduct a scientific appraisal of the position of developing countries and of their role in and contribution to the development of modern international law. Similarly, the following suggestions were also made: preparing repertoires of the practice followed in developing countries and in their regional and subregional organizations; publication of national and regional yearbooks of public international law; and compiling and publishing texts of international legal norms, in particular those provisions of public and private law of special interest to the developing countries. Those means could, in the view of many, alleviate the lack of relevant legal materials and facilitate the efforts of national judges and lawyers and those who administer law in the implementation of international law and the efforts of international law teachers and researchers.

32. For wider dissemination and appreciation of international law it was suggested that the texts of all multilateral conventions in force adopted under the auspices of the United Nations and its specialized agencies be published in the official working languages of the United Nations. The Decade, it was further proposed, should make greater use of communications technologies and mass media and should prepare promotional materials on various topics of international law and translate them into as many languages as possible; in this exercise, experts in fields other than international law should be involved in order to stimulate a general interest.

33. In connection with the need for wider dissemination of the knowledge of international law, mention was made of the experience and methods used by the International Committee of the Red Cross in disseminating the 1949 Geneva Conventions on the protection of victims of armed conflicts and the 1977 Additional Protocols thereto.

G. Proposal to convene a third international peace conference or other suitable international conference at the end of the Decade

34. There was support for the proposal to convene a third international peace conference or other suitable international conference at the end of the Decade to reaffirm, *inter alia*, the primacy of international law in the maintenance of peace and security and the importance of the peaceful settlement of disputes in international relations. Some, however, stressed that such a conference would require careful planning and preparation so as to make it truly useful and important and to draw the widest possible participation.

35. Some specific suggestions were also made regarding the kind of instruments to be adopted by such a conference: a comprehensive convention on the settlement of disputes (see para. 17); or a declaration on the principles of international law concerning peace and development.

36. The view was also expressed that the decision on the holding of such a conference depended on the agreement of States and that it was premature at the present stage to take a decision on whether or not such a conference would be the best way to mark the end of the Decade. It was, therefore, suggested that a mid-term review (1995) of the programme for the Decade would be appropriate to permit the assessment of the progress made during the Decade. In that connection, a proposal was made that the Secretary-General should prepare biannual reports on the activities of the Decade.

Notes

1/ For the most recent report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, see Official Records of the General Assembly, Forty-fourth Session, Supplement No. 33 (A/44/33).

2/ Official Records of the Third United Nations Conference on the Law of the Sea, vol. XVII (United Nations publication, Sales No. E.84.V.3), document A/CONF.62/121, annex I.

3/ United Nations, Treaty Series, vol. 75, Nos. 970-173.

4/ Ibid., vol. 1125, No. 17512 and 17513.

ANNEX I

REPLIES RECEIVED FROM STATES

AFGHANISTAN

[Original: English]

[17 August 1990]

1. By taking an active part in the work of the General Assembly on the adoption of General Assembly resolution 44/23, the Republic of Afghanistan demonstrated its profound desire for the enhancement of the rule of law in international relations.
2. The Republic of Afghanistan believes that the objectives indicated in paragraph 2 of the resolution, which evidently reflect the programme of the decade and the accord reached on international efforts for adopting this programme, manifest the fact that the international community is resolved to take major steps towards promoting and strengthening international legal order.
3. Undoubtedly, however, the commitment towards this noble goal and the acceptance and observance of the principles of international law, among them the most significant principle being the peaceful settlement of disputes between States, can be measured only in practical terms. Therefore, by taking into account the primary orientation of the Decade and the present realities of the world, with regard to the implementation of the resolution, Afghanistan would like to make the following suggestions for the objectives of the Decade.
4. Since the principal objective of the Decade is to promote acceptance of and respect for the principles of international law, international efforts in this direction should be particularly concentrated on the ensurance of respecting the following principles:
 - (a) Peaceful settlement of disputes between States;
 - (b) Refraining from the threat or use of force in international relations;
 - (c) Non-interference and non-intervention in internal affairs of other States;
 - (d) Good-neighbourliness;
 - (e) The right of people to self-determination.

Ways and means should also be sought to promote the observance of the principle of pacta sunt servanda. This is important because without respecting this principle, international treaties as the major source of international law become a soulless phenomenon.

5. Likewise, the promotion of full respect for the International Court of Justice deserves a great deal of attention, which should be focused on bringing about international trust of the Court and on the vast knowledge of the Court through teaching, study, dissemination and wider appreciation of international law. In this regard, a co-ordinated and concerted effort of the legal departments of the United Nations and its specialized agencies and of the Governments of Member States is essential.

6. In the framework of the plan of action for the Decade, Afghanistan suggests the inclusion of the following elements:

(a) The convocation of a third international peace conference: Afghanistan supports the idea that this conference should adopt some international instruments, particularly a new and comprehensive international convention on peaceful settlement of disputes;

(b) Holding international and regional seminars, besides the United Nations Institute for Training and Research International Law Fellowship Programme, aimed at discussing specific problems of international law in connection with the regional problems;

(c) Giving further publicity to the legal status, competence, rules of procedure and history of the proceedings of the International Court of Justice, as well as the international human rights mechanism.

7. Finally, it is important to mention that the Republic of Afghanistan, as a country loyal to the Charter of the United Nations, the International Declaration of Human Rights and other norms of international law, is eagerly looking forward to the fruitful outcome of the Decade and declares its readiness to co-operate and take part in the implementation of the Decade's programme of action, which will be adopted by the General Assembly.

ARGENTINA

[Original: Spanish]

[13 June 1990]

1. The Government of Argentina favours the preparation of an international convention on the peaceful settlement of disputes between States incorporating methods for preventing conflicts and practical means of resolving existing conflicts. In view of the obligation of States to resolve their disputes by peaceful means, such a convention could include a wide range of mechanisms, leaving States free to choose which methods they deem most appropriate for resolving their differences.

2. It would be desirable to strengthen international agreements and arrangements which, in accordance with the purposes and principles of the Charter of the United Nations, promote international co-operation, the exchange of information,

scientific research and the non-militarization of outer space and its use for peaceful purposes.

3. A valuable contribution to the Decade would be the publication - in an updated edition in the official working languages of the General Assembly - of the texts of multilateral conventions in force adopted under the auspices of the United Nations and its specialized agencies and of others for which the Secretary-General serves as the depositary.

4. The United Nations should urge wider participation by Member States in international conventions on matters of major concern to the members of the international community, including those pertaining to the protection of the environment, the prevention and suppression of international terrorism and humanitarian law.

5. The objectives of the Decade would be enhanced by the holding of regional international law seminars to analyse the development of international law, with the participation of research and investigation centres concerned with such issues. One focus of attention might be the transformations which international law must undergo so that it can adapt to the new political, social and economic order.

6. A commemorative postage stamp - whose design might be the winning entry in an international competition to select the best poster illustrating the theme of the Decade - could be issued in order to raise funds for various other proposals.

7. Depending on the level of general agreement reached among States, a third international peace conference or another suitable international conference could be held at the end of the Decade.

AUSTRALIA

[Original: English]

[5 July 1990]

1. Australia welcomes the declaration of a United Nations Decade of International Law and joined consensus in adopting General Assembly resolution 44/23. The Decade will provide an opportunity to enhance the role of international law, provided that the programme of the Decade focuses on achievable objectives in a cost-effective way.

2. Australia is pleased to note, as stated in paragraph 6 of attachment 1 to the Secretary-General's note, that there was "general agreement that international efforts on a broad basis should be made to elaborate a generally acceptable, concrete and meaningful programme for the Decade, based on realistically achievable objectives".

3. Australia supports the referral of the task of planning the programme for the Decade to an open-ended working group of the Sixth Committee. This should enable a

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broadly acceptable and achievable programme for the Decade to be devised and implemented. Australia hopes that all activities of the Decade shall be considered in the same manner.

4. Australia is still formulating its view on the details of the programme for the Decade. However, the teaching, study, dissemination and wider appreciation of international law and the promotion of peaceful mechanisms for resolution of disputes are, in Australia's view, the appropriate areas for the Decade to address. The Decade should not merely duplicate work already being done within the United Nations system, nor should it result in the creation of new bodies to do work which could be adequately handled by existing bodies. Australia would prefer that the emphasis of the work of the Decade be to enhance the effectiveness and efficiency of already existing international bodies and instruments.

5. Australia believes that to attempt to elaborate a special programme to coincide with the end of the Decade at this stage would be premature. Rather, it hopes that the open-ended working group of the Sixth Committee (perhaps with input from a general review around 1995) will be free to consider that question as the end of the Decade draws closer. In view of the events of the past decade, any attempt now to forecast what would be the most relevant areas of international law to address in 1999 might be unwise.

BULGARIA

[Original: English]

[26 June 1990]

1. The Government of the People's Republic of Bulgaria is of the view that the proclamation and holding of the United Nations Decade of International Law, pursuant to General Assembly resolution 44/23, creates an opportunity for outlining the strategy of the development of international law in the years to come. The impressive number of sponsors of the resolution and the consensus by which it was adopted bear witness to the consolidation of the idea of the primacy of law in politics. The concept of the primacy of law in politics should lead to such organization of international affairs that would guarantee the priority of values and interests of universal human significance over those confined within national or class frameworks. Therefore, the system for maintaining international peace and security should before all be a system for maintaining international legal order.

2. Guided by this understanding of the role of law in international relations, the Government of Bulgaria fully supports the aims of the Decade as reflected in paragraph 2 of resolution 44/23. This support was also illustrated by Bulgaria's joining the sponsors of the resolution.

3. According to resolution 44/23, a special working group will be established within the Sixth Committee to draft a programme for the Decade. It is the view of the Government of Bulgaria that in order to ensure a successful Decade, the programme should include mutually acceptable actions, should be concrete and

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realistic and should not include initiatives or issues that are the subject of other efforts by the United Nations.

4. Pursuant to the goals of the Decade as set by resolution 44/23, Bulgaria offers the following recommendations for consideration:

(a) It would be useful to renew efforts for the elaboration of a code of conduct of States. This document should not merely incorporate the basic principles of international law, but should also envisage international responsibility for their violation. Its elaboration may be based on the Declaration on the Rights and Duties of States drafted by the International Law Commission in 1949. The text of the Declaration has not been rendered obsolete by time, as article 14 indicates: "Every State has the duty to conduct its relations with other States in accordance with international law and with the principle that the sovereignty of each State is subject to the supremacy of international law." The Code may also include the respective texts from the Declaration on the Principles of International Law Regarding Friendly Relations and Co-operation among States in Accordance with the Charter of the United Nations of 24 October 1970, the Declaration on the Granting of Independence to Colonial Countries and Peoples of 14 December 1960, the Declaration on the Inadmissibility of Intervention and Interference in Internal Affairs of States of 9 December 1981, the Declaration on the Enhancement of the Effectiveness of the Principle of Refraining from the Threat or Use of Force in International Relations (General Assembly resolution 42/22, annex, of 18 November 1987), the Definition of Aggression (resolution 3314 (XXIX) of 14 December 1974), the Charter of Economic Rights and Duties of States of 12 December 1974, etc.

(b) Undoubtedly, the main efforts during the Decade will be aimed at strengthening and developing the means and mechanisms for the peaceful settlement of international disputes. The consensus reached on the inclusion of this question among the goals of the Decade is indicative of the positive change that has taken place in the attitudes of States on the problems of the peaceful settlement of disputes.

5. It is the view of Bulgaria that it is necessary to make a transition in this field of international law from declarative and recommendatory provisions to ones that are of binding nature. It would therefore be necessary to elaborate a universal international agreement envisaging the obligatory use of the means for peaceful settlement of disputes by the sides to any given dispute. Should this view be shared by the other States Members of the United Nations, the elaboration and adoption of such a document may be done at an international diplomatic conference.

6. The system of the United Nations offers hitherto unutilized possibilities for settling international disputes. The practice of recent years has shown that the Secretary-General may make an important contribution to the settlement of international disputes and conflicts. Bulgaria, therefore, believes that the activities of the Secretary-General should receive further encouragement.

7. In the view of Bulgaria, the work of the Security Council should also be enhanced. It should function permanently under the provisions of Article 28 (1) of

the Charter and not only in times of crisis. The Security Council should, on its own initiative, exercise the rights entrusted to it by Articles 33 (2), 34, 36 (1) and 37 (2) of the Charter. The current practice indicates that the Council waits for invitation to interfere on a dispute by the sides to that dispute, in line with Article 35 (1) and (2) of the Charter.

8. The necessity of developing a basis of norms related to the protection of the environment is a further issue on which there is consensus at the United Nations. The elaboration of norms in this area should be done following one single model in order to guarantee continuity. Due attention should be paid to the procedures and mechanisms for the peaceful settlement of disputes among States caused by transboundary pollution.

9. In reference to the actions that may be undertaken in implementation of the programme for the Decade, the Government of Bulgaria believes that the solution to this problem would depend to a large extent on the content of the programme and on States' attitudes to it. It is the general view of Bulgaria that the holding of a third peace conference or of some other suitable international forum would constitute a worthy completion of the Decade. None the less, certain questions related to the programme, particularly those concerning the role of the United Nations in international affairs, should be elaborated by the respective bodies of the United Nations, and in particular, by the Sixth Committee, the Special Committee on the Charter of the United Nations and on strengthening the Role of the Organization, etc.

CANADA

[Original: French]

[11 July 1990]

1. The Government of Canada is of the view that the preparation of the programme for the Decade must be based on broad consensus. It is especially important for the programme to be prepared with realistic objectives in mind. The Decade should, in particular, serve to promote recourse to peaceful means of settling disputes as well as the teaching and dissemination of international law. The Decade should also help give new impetus to the international community's efforts to encourage States to meet their international obligations, particularly in the areas of human rights and the fight against terrorism. Lastly, the Decade should enable the international community to formulate useful and realistic initiatives in the area of environmental protection.

2. As for the possibility of holding a major peace conference to close the Decade, Canada feels that it is still too early to contemplate such a possibility.

CHINA

[Original: Chinese/English]

[25 June 1990]

1. Activities of the United Nations Decade of International Law should be carried out at national, regional or international levels, and it is suggested that an appropriate mechanism be established within the framework of the United Nations to co-ordinate these activities.
2. With regard to the convening of the third international peace conference, the key issue is to make necessary and good preparations for the conference so that it will truly become an important international conference whose significance goes beyond this century. China is in favour of exploring the possibility of formulating a new convention on the peaceful settlement of international disputes. China is of the view that if the third international peace conference is to be convened, it may be considered to adopt at the conference a declaration on the principles of international law concerning peace and development and to conduct codification work in the light of the existing principles and rules of international law and the new practices of international relations and international law. The United Nations may set up a necessary mechanism to do the job and sponsor regional or international symposiums to support the endeavour.
3. Continued efforts should be made to explore the means of strengthening the roles of the organs of the United Nations in the peaceful settlement of international disputes. In view that the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization has been delving into the question of strengthening the roles of the General Assembly, the Security Council and the Secretary-General, it is necessary to attach importance to and further explore the question of strengthening the role of the International Court of Justice. China is ready to work together with all other countries to explore practical ways and means of strengthening the role of the International Court of Justice.
4. It is suggested that "Third world countries and international law" be included as a research project in the activities of the Decade. China is willing to submit a report, when necessary, and may also consider hosting symposiums in this regard.
5. Over the past four decades and more, the rise of newly independent nations and the emergence of the third world have brought about great changes in international law. Therefore, research on that topic would be conducive to a better understanding of contemporary international law in a scientific perspective. Scientific appraisals could be made of the position and role of the third world countries in the development of contemporary international law and their contributions thereto.
6. It is also suggested that "Developing countries and international legislation on environment" be included as a project in the activities of the Decade. China is willing to participate in the study of the subject, submit a report and host symposiums in this regard.

7. The global environmental issue has aroused growing concern across the international community. The solution of the global environmental issue calls for concerted efforts and international co-operation. However, as the levels of economic development of the developing and developed countries, as well as the problems facing them, are all different, their efforts and the ways for their participation in the co-operation should be varied. International legislation on environment shows important ways and means to achieve the goal of global environmental protection, but the important issue facing the international community is how to make the legislation ensure the goal of protecting human environment without prejudice to the interests of developing countries and in favour of their development programmes. The study of the subject "Developing countries and international legislation on the environment" will boost the research on and involvement in the enactment of international environmental law by developing countries, and enable them to explore their interests in the negotiations on international legislation in the field of environment and to co-ordinate their positions with each other. It will also help enhance understanding and co-operation between the developing and developed countries, thus contributing to the appropriate solution of the global environmental issue.

COLOMBIA

[Original: Spanish]

[13 July 1990]

1. For the Colombian Government, General Assembly resolution 44/23 represented an important contribution by the United Nations to the process of developing and consolidating international law. It focused the attention of the world community on this subject following an initiative by the non-aligned countries aimed at making a broad effort to enhance the principles and norms which govern civilized nations. These principles in their turn may serve as a basis for the future legal régime of mankind. For this reason, Colombia has constantly reiterated support for the fulfilment of these principles as an ideal means of preventing and settling disputes. These principles add a legal dimension to political, economic and other activities, which requires a new approach going beyond traditional concerns and aimed at a further relaxation of international tensions.

2. From this viewpoint, the Colombian Government considers that such a Decade, besides constituting a suitable period for reaffirming the validity of principles and norms established by the international community, may also serve as an opportunity to encourage new methods and procedures for meeting future challenges, needs and situations. Its purpose therefore should be complementary but not exclusive.

3. The items to be considered on the agenda of the Decade should be carefully studied in advance so as to justify their inclusion. The necessary care should be taken not to prejudice the inherent rights of States, their self-determination and the free exercise of their sovereignty. The Decade should also uphold those norms of international law which prohibit the use of force in international relations,

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the principle of non-intervention in the internal affairs of States and the maintenance of peaceful relations between States.

4. The items which the Colombian Government considers should be included in the programme are:

(a) Means of reaffirming the principles of international law and the purposes and principles of the Charter of the United Nations:

- (i) Training. Colombia considers it important to publicize the meaning and spirit of the principles of international law. This can be done by disseminating publications in the different official languages of the United Nations and also through the study of the work of such bodies as the International Law Commission, the International Court of Justice, the Commission on Human Rights and the competent regional bodies. This promotional activity could intensify the use of seminars and workshops on subjects which should be emphasized, thus permitting greater benefit from the work of the Decade;
- (ii) Means for the peaceful settlement of disputes. In order to achieve greater utilization of such means, Colombia considers it desirable to study a general international convention on the settlement of disputes, the scope of which would include a preventive stage, direct negotiations, legal proceedings and the compulsory nature of judgments;
- (iii) Institutional strengthening of international bodies concerned directly or indirectly with the observance and fulfilment of the principles of international law;
- (iv) A long-term programme. Undoubtedly, the work that will be achieved within the Decade will require follow-up and a plan of objectives. Colombia therefore agrees on the importance of adopting the proposal;

(b) Methods and procedures for broadening the jurisdiction of the International Court of Justice. These methods may include general invitations to States to accept the jurisdiction of the Court. Clauses referring to the Court may also be inserted in conventions and treaties which, because of their nature, are likely to contain provisions concerning the settlement of disputes. In the elaboration of such agreements the possibility should be considered of recourse to the Court as one of the means of settling these disputes;

(c) With a view to achieving further progress in the development and codification of international law, consideration might be given to the following actions:

- (i) Permanent study and compilation in areas which have not yet been discussed by the International Law Commission, through working groups and consultations between States;
- (ii) Intensification of academic, public and private exchanges on matters of common interest;

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- (iii) Co-ordination of discussion mechanisms within the United Nations that are more flexible and avoid the repetition and duplication of effort, both as regards the work of the United Nations and that of other international bodies. This would include consideration of the report of the International Law Commission.

COTE D'IVOIRE

[Original: French]

[26 June 1990]

1. The United Nations Decade of International Law must promote greater acceptance on the part of the international community of the primacy of law in international relations, an acceptance that will be reflected in broader recognition of an international judicial body capable of settling disputes when States are unable to agree on the interpretation or application of a rule of international law.
2. The Decade should also be an occasion for the international community to evaluate the current international legal system, its role and its future in the historical context of a changing and interdependent world.
3. The Decade will realize its full potential only if it contributes in the end to the advent of peace and justice in the world.
4. Peace and law are inseparable. Law and the legal order, in order to become a credible instrument of peace, must increasingly align themselves with certain direct expressions of an unwritten moral code and bring within their scope one specific area that is still too dominated by self-interest or force, namely, the area of international economic relations.
5. During the Decade it will therefore be the task of men of law, more than anyone else, to help establish or improve a network of reference institutions for international rules designed to create at last a structure of peace that must go hand-in-hand with the spirit of peace so that law and peace each guarantee the other.
6. Côte d'Ivoire, which had the honour to host the symposium on peace in the minds and hearts of men organized by the United Nations Educational, Scientific and Cultural Organization in July 1989, can only support the idea of holding a third international peace conference. It hopes that such a conference will consider the idea of education for peace. Such education must produce a culture of peace, which alone can guarantee the existence of a world ruled by law.

CUBA

[Original: Spanish]

[18 June 1990]

1. In the view of the Cuban Government, the strengthening of the legal bases of international relations is vital to the consolidation of world peace. Accordingly, one of the United Nations primary duties is to promote the progressive development of law and to guarantee the pre-eminence of law in relations among States. If the Organization wishes to be fully effective, it will have to direct its energies to solving the main legal problems and seeking alternatives that can help to strengthen relations between States based on conditions that are acceptable to all.
2. In the view of Cuba, the Decade should pursue a number of objectives, including, as a matter of prime importance, the strengthening and consolidation of means for the peaceful settlement of disputes, a principle which is becoming more and more timely in today's international affairs. To that end, it is necessary to take into account the decision of the members of the non-aligned movement to move towards the future elaboration of a draft universal convention. Cuba hopes that this initiative will prove a valuable contribution to the strengthening of this very important principle and that it will help to reaffirm the confidence of peoples in the capacity of the United Nations to guarantee the peace and security of mankind.
3. In the context of the Decade, particular importance should also be given to the search for juridical solutions to some aspects of economic problems. It should be noted that various regions and groups of countries of the third world have become net exporters of financial resources to the developed countries, primarily because of their external debt, combined with other phenomena such as the deteriorating terms of trade, monetary instability, high interest rates and the tightening of credit, and that this has created a new situation.
4. In view of the seriousness of this problem and the difficulties which it poses for the underdeveloped countries in their efforts to promote development, it is necessary to formulate a system of norms designed to reverse the phenomenon and to limit the negative impact which these factors have on the economies of the so-called third world countries. Such norms should envisage, inter alia, establishing a correlation between what a country receives in terms of export earnings and credit and what it pays out to service the external debt, as well as matters relating to measures designed to secure the resources necessary for development, economic growth and satisfaction of the basic necessities of the population of that group of countries.
5. This occasion coincides, fortunately, with the International Decade for the Eradication of Colonialism, proclaimed by the General Assembly in resolution 43/47 and, since the right of all colonial countries and peoples is a principle that cannot be divorced from international law, it is the international community's inescapable duty to contribute again, within the framework of international law, to the eradication of colonialism and its terrible consequences. In order to do so,

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the United Nations must adopt measures of a legal nature designed to bring about the complete eradication of the last vestiges of colonialism.

6. There is yet another matter which must be cause for concern during the Decade, namely, the ecological problems which affect the survival of the world. Because these problems are of a serious nature and are closely interrelated with development, the international community will have to redouble its efforts to work out a set of norms designed to establish balanced approaches based on standards of conduct with respect to the environment and development. Such norms could be based on any formulations that may emerge from the United Nations Conference on Environment and Development to be held in Brazil in 1992.

7. If the work of the United Nations during the Decade encourages the development of international law through agreements establishing norms of conduct that are acceptable to States, and if steps are taken to ensure that these norms are implemented and observed, the international community may consider that the purposes it had in proclaiming the Decade have been achieved; this will contribute to the establishment of a climate of confidence that is indispensable for the strengthening of international peace and security.

CYPRUS

[Original: English]

[2 August 1990]

1. The Government of the Republic of Cyprus attaches special importance to the United Nations Decade of International Law. The Government of the Republic of Cyprus considers that the strict application, strengthening and development of international law is an indispensable means for the prevention and peaceful settlement of disputes and conflicts.

2. Cyprus' close association with the United Nations Decade of International Law finds itself in the very genesis of the concept of the Decade, the initiative having emanated at the Nicosia Non-Aligned Ministerial Conference of September 1988 (see A/43/667-S/20212). The decision taken in Nicosia and the declaration adopted at the Meeting of the Movement of Non-Aligned Countries on Peace and International Law held in the Hague in 1988 were endorsed by the Non-Aligned Summit in Belgrade in September 1989 (see A/44/551-S/20870).

3. The Government of the Republic of Cyprus as an international law-minded State, regards the promotion and primacy of international law in international relations, as well as adherence of the purposes and principles of the Charter of the United Nations, as the central element governing relations between States.

4. The importance of accepting and respecting the principles of international law takes on added purpose and significance for small States such as Cyprus, whose only recourse to the problems that confront them is through the strict and consistent application of international law and its norms.

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5. The Republic of Cyprus fully supports General Assembly resolution 44/23 on the Decade and recognizes the primary role of the United Nations in promoting greater acceptance of and respect for the principles of international law and in encouraging the progressive development of international law and its codification.

6. The Government of the Republic of Cyprus firmly supports efforts towards strengthening the rule of law in international relations and regards the Decade as having a particular responsibility for the following goals:

(a) Promotion of the acceptance of and respect for the principles of international law;

(b) Strengthening of the mechanisms for the peaceful settlement of disputes with particular emphasis to the application for recourse to the International Court of Justice. Cyprus' commitment to this is evidenced by its accession to the compulsory jurisdiction of the International Court of Justice. Cyprus was also the first State to make a voluntary contribution to the Secretary-General's trust fund to assist States in the settlement of disputes through the Court.

(c) The progressive development and codification of international law, which is a substantial element to be furthered during the Decade. In this regard the work of the Sixth Committee of the General Assembly and the work of the International Law Commission in this direction are heralded;

(d) The further dissemination and enhancement of the study of international law during the Decade, which is essential for promoting a clearer understanding of the primacy of international law in international relations. Cyprus is cognizant of this fact as it is an active member of the Advisory Committee of the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law and has contributed to various components of the Programme;

(e) The promotion of human rights law and the protection of human rights, including ratification or accession by states to the conventions on human rights. Cyprus regards that a review of the status or legal conventions aiming at greater ratification or accession to these treaties by States is an important element during the Decade.

FINLAND

[on behalf of the Nordic countries]

[Original: English]

[30 June 1990]

1. The Nordic countries welcome the initiative taken by the group of non-aligned countries which has led to the proclamation of the "United Nations Decade of International Law".

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2. They believe that the Decade presents an excellent opportunity to promote the concept of the rule of law in our domestic societies as well as in the international community.
3. Particular emphasis should, in the view of the Nordic countries, be put on efforts to encourage the teaching, study, dissemination and wider appreciation of the basic concepts of international law, especially peaceful settlement of disputes.
4. A survey of the areas in international law so far covered by codification or generally accepted treaties should be prepared by the Secretary-General, indicating also to what extent the States parties have accepted the jurisdiction of the International Court of Justice with respect to the interpretation and application of those treaties. An appeal should be made to all States to accept the compulsory jurisdiction of the Court and to make full use of the Court for peaceful settlement of disputes. An annual list of States which have complied with the appeal could be presented to the General Assembly.
5. It would be desirable if the United Nations could initiate a series of activities at the universal and regional levels, such as seminars, lectures, round-table discussions and, if possible, prepare a general United Nations manual on international law. During the Decade general lectures on the United Nations Decade of International Law should be held at every law faculty in Member States. Scholarships should be encouraged, in particular, to secure possibilities for students from developing countries to participate in courses in international law. Such activities should be held with a view to inspiring a debate within the international community as well as in the national communities on the importance of law in society.
6. Simultaneously the open-ended working group of the Sixth Committee could consider at the appropriate time the question of preparing one or more binding instruments to be adopted by consensus during a final diplomatic conference of the Decade.
7. Concrete projects to develop and codify international law within the framework of the Decade should in our view:
 - (a) Concentrate on a subject which is generally held important
 - (b) Reflect the changing priorities of international life and achieve regulation in an area in which such regulation is lacking;
 - (c) Bear a realistic potential for success.
8. However, such project should not:
 - (a) Awake serious disagreement;
 - (b) Duplicate existing instruments or efforts, especially within the International Law Commission.

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9. These criteria could be met, for example, by a topic in the field of prevention and settlement of international disputes relating to the environment.

GREECE

[Original: English]

[16 July 1990]

1. On the question of the programme of the Decade and on appropriate actions to be taken, Greece shares the views expressed by the Twelve States members of the European Community (see the reply from Ireland below).

2. In the opinion of the Greek Government, a subject which should also be examined during the Decade is that of collective security, in accordance with the relevant provisions of the Charter. In this context, it is to be retained that among the three fundamental elements of the international legal order, namely:

(a) The obligation of States for peaceful settlements of their disputes;

(b) The obligation of non-use of force in international relations; and

(c) Collective security, only the first two have been examined and to a certain extent elaborated by the United Nations so far. The question of collective security, although most fundamental and crucial to the supremacy of international law - which is and should be the aim of the international community and its Member States - has not yet been addressed by them.

3. For the reasons stated above, the Greek Government deems it imperative that the concept of collective security should be placed at the centre of the United Nations Decade of International Law.

GUYANA

[Original: English]

[19 July 1990]

1. The Government of Guyana firmly believes that only through full recognition of international law can international peace and security be guaranteed. International law is an important instrument for securing peaceful settlement of international disputes and should be regarded as such. By observing the 1990s as the United Nations Decade of International Law, it is expected that this idea will gain wider acceptance. It is the belief of the Government of Guyana that the improved climate in international relations and the tendency towards peaceful settlement of disputes could serve to give greater prominence to the role of international law and the work of the International Court of Justice in the area of conflict resolution during the Decade.

2. As a peace-loving nation, Guyana has always supported initiatives which it felt could contribute to strengthening both the principle of peaceful settlement of disputes and of the means available to States for that purpose. Enhancing the effectiveness of the Court as the principal judicial organ of the United Nations is necessary since the Court has a pivotal role to play in the settlement of international disputes. As envisioned, a strengthened role for the Court would entail broadening its overall jurisdiction. This could be done by States committing themselves to the declaration envisaged in article 36, paragraph 2, of the statute of the Court and by withdrawing reservations previously expressed regarding the jurisdiction of the Court in some areas. It would signal a greater recognition of the role the Court could assume.

3. While it is gratifying to note the increased confidence placed in the Court, much remains to be done in order to induce States to resort to legal means in settling their disputes. The supremacy of law in international relations should be accepted as a given fact and must be accompanied by a strengthening of international judicial bodies. There should also be a greater awareness of the opportunities for settling disputes offered by the Court.

4. There is definitely a need for promoting greater public education and understanding of international law and of the mechanisms for administering that law. Sufficient attention is not given by States in the education of their peoples to the significance and importance of the principles of international law as they affect the international community. It is suggested that States should take constructive measures to inform their people through the media of the importance of international law in effecting peaceful solutions to problems and of the workings of the Court in the development of the law through its judgments and advisory opinions. Lectures and talks on topical international problems at regular intervals could arouse public interest and awareness.

5. The media could be used more often to educate the public as to the world-wide benefits to be derived from peaceful coexistence and settlement of international disputes.

6. In some countries, the courts apply the doctrine of incorporation, whereby the rules of international law are incorporated into the law of the country, save in so far as they may conflict with, or derogate from, the municipal law. In other countries, international law, conventional or customary, is not automatically incorporated into the law of the country, but would only become so through an act of parliament or perhaps long established application by custom.

7. International law could thus be strengthened if its established principles were to form part of the municipal laws of the respective countries and were applied by their courts, save where they expressly conflict with the national law. If the doctrine of incorporation is made widely applicable there would be greater knowledge of and regard for the rules of international law, because the courts would be interpreting the laws of the land in conformity with the principles of international law. This correlation would enhance both systems of law.

8. With this conviction, Guyana supported the initiative in the Caracas Declaration adopted by the Ministers of Foreign Affairs of non-aligned countries in

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June 1989 (see A/44/361, annex) on the subject of peace and the role of law in international affairs and co-sponsored General Assembly resolution 44/23, in which the Assembly proclaimed 1990 to 1999 as the United Nations Decade of International Law. A well defined programme should be implemented to mark the Decade. Its objective should be to foster broad respect for the norms and principles of international law as well as a greater understanding of the role of law in promoting and maintaining international peace and security.

9. This programme should be implemented at all levels. Due emphasis should be placed on continuing work at the International Law Commission and in the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization towards strengthening procedures for the peaceful settlement of disputes by gradually developing and codifying international law and by increasing the effectiveness of the United Nations in this field.

10. In this respect there are numerous guidelines relating to the peaceful settlement of disputes and to international co-operation in strengthening peace. These include:

(a) The Declaration on the Inadmissibility of Intervention and Interference in the Internal Affairs of States (General Assembly resolution 36/103, annex);

(b) The Declaration of Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations (Assembly resolution 2625 (XXV), annex);

(c) The Declaration on the Strengthening of International Security (Assembly resolution 2734 (XXV));

(d) The Declaration on the Preparation of Societies for Life in Peace (Assembly resolution 33/73);

(e) The Manila Declaration on the Peaceful Settlement of Disputes (Assembly resolution 37/10, annex);

(f) The Declaration on the Prevention and Removal of Disputes and Situations Which May Threaten International Peace and Security and on the Role of the United Nations in this Field (Assembly resolution 43/51, annex).

11. During the course of the Decade a timely review of those instruments may be warranted since it would seem that they could be more effective if their provisions were more widely disseminated and discussed and if their application was strengthened through the various organs of the United Nations.

12. Similarly, there is a wide array of means available for the peaceful settlement of disputes. The draft handbook on the peaceful settlement of disputes, currently being formulated by the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, offers useful guidelines to States planning to resort to such procedures, some of which have already been identified in the Charter.

13. Although the purposes of the Decade do not become irrelevant after 1999, it would be appropriate to mark the end of the Decade, which coincides with the centennial of the historic first Hague Peace Conference, with an international peace conference reaffirming the primacy of international law in international relations and particularly as it relates to peace.

IRELAND

[on behalf of the Twelve States members
of the European Community]

[Original: English]

[27 June 1990]

1. The States members of the European Community welcome General Assembly resolution 44/23, which declared the period 1990-1999 as the United Nations Decade of International Law. The Decade could provide an opportunity to enhance the role of international law. It should not, however, cause duplication of effort of work being done within the United Nations system. It should serve as a framework for an exchange of information between various sectors of international law and fruitful co-ordination to serve the cause of consistency throughout the United Nations system.

2. The Twelve are pleased that the task of elaborating generally acceptable recommendations for a programme for the Decade has been entrusted to an open-ended working group of the Sixth Committee. They consider that this arrangement, by involving all the Member States, should produce significant results both in terms of substance and procedure and should apply also to the continuation of the activities of the Decade.

3. The Twelve are pleased to note, as stated at paragraph 6 of attachment 1 to the Secretary-General's Note that there was "general agreement that international efforts on a broad basis should be made to elaborate a generally acceptable, concrete and meaningful programme for the Decade, based on realistically achievable objectives".

4. While the Twelve are still studying the question of the programme for the Decade, at this stage it appears clear to them that it should, in any case, focus on encouraging the teaching, study, dissemination and wider appreciation of international law, and the promotion of means and methods for the peaceful settlement of disputes between States. In our opinion these subjects are likely to have widespread support. In general, priority should be given to the use of or, if necessary, to an increased use of already existing international bodies and mechanisms as well as to the implementation of already existing international norms and instruments rather than to the setting up of new bodies and the elaboration of new international instruments.

5. At this stage it is premature to take a decision on how the programme for the Decade should conclude. For this reason the Twelve consider it useful that there

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be a mid-term review of the programme. Such a review would permit an assessment of how the programme for the Decade is progressing and allow for such changes or additions to the programme that may in the meantime have become apparent.

LIBYAN ARAB JAMAHIRIYA

[Original: Arabic]

[18 June 1990]

1. The Socialist People's Libyan Arab Jamahiriya was among those States which supported General Assembly resolution 44/23, and it did so out of a conviction of the importance of the commitment of the programme for the Decade to the achievement of justice and equality among peoples and to support for the principles of international law and for its teaching, study, dissemination and wider appreciation as a fundamental guarantee of the maintenance of international peace and security. Accordingly, it reaffirms its full support for the programme for the United Nations Decade of International Law and calls upon all States and all appropriate international and regional bodies to implement the provisions of resolution 44/23, to participate actively in according the programme the attention and scrutiny it merits and to hold such events as may contribute to the strengthening and development of international law, including the convening of an international conference at the conclusion of the Decade in order to give concrete expression to the historical stages of consolidation and development.

2. The Socialist People's Libyan Arab Jamahiriya, in attaching particular importance to the success of the Decade, wishes to stress that the programme for the Decade should promote the inclusion in international law of concepts and principles that will promote the inculcation and firm acceptance of its norms, among which the following are singled out for special mention:

(a) Focus throughout the Decade on devising rules of international law capable of closing the economic gap between rich and poor countries, or of eliminating the inequality on which international economic relations are based through the establishment of a new international economic order characterized by justice and fairness, and of promoting the achievement of economic growth and development in the world; an earnest endeavour for the adoption of legal arrangements capable of providing solutions to the prevailing negative features of existing international economic relations - such as the problem of food security, the fears created by the economic backwardness from the effects and consequences of which more than two thirds of the population of our world suffers, the increasing external debt burden and its grave international political dimensions, and the use by certain developed countries of coercive economic, political and other measures against the developing countries in imposing embargoes, trade restrictions, economic boycotts and the freezing of assets - and in order to put an end to the terrifying expansion of military arsenals and the squandering of enormous amounts of money in the arms trade;

(b) Commitment to the elimination of colonialism from the world in all its shapes and forms as a fundamental guarantee for the achievement of peaceful

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coexistence and the stability of relations among States; the development of the rules of international law with a view to establishing a world free of aggression; full respect for the primacy of law in international relations through respect for the right of peoples to self-determination and through ensuring the right of all peoples to exercise full and permanent sovereignty over their territory and their natural resources; the protection of the environment from pollution; and the peaceful uses of nuclear energy;

(c) Dedication of the programme to inculcating commitment to the international legal principles set forth in international conventions and instruments; elaboration of international legal norms such as to bring about full disarmament, particularly nuclear disarmament, and the complete elimination of weapons of mass destruction; and elaboration of principles to prevent the use or threat of use of force in international relations;

(d) Promotion of humanitarian concepts and principles relating to human rights and fundamental freedoms;

(e) Strengthening of the role of the International Law Commission in its progressive development of the rules of international law; and the holding of a greater number of seminars and symposia for the dissemination and greater understanding of the rules of international law;

(f) Emphasis on the need for the peaceful settlement of international conflicts through the progressive development and codification of international law; and increased effectiveness of the role of the International Court of Justice in that regard.

NEW ZEALAND

[Original: English]

[12 July 1990]

1. The New Zealand Government welcomes the opportunity provided by the Decade to focus more closely on the further development of international law and promotion of the peaceful settlement of disputes. These are objectives to which New Zealand has always been committed.

2. New Zealand concurs with the view expressed during the forty-fourth session of the General Assembly that the Programme should be "generally acceptable, concrete and meaningful" and "based on realistically achievable objectives". The question of the programme for the Decade is still under consideration by the New Zealand Government. However, it would seem, in this regard, that the programme might include the following broad areas:

(a) Firstly, the encouragement of the teaching, study, dissemination and wider appreciation of international law;

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(b) Secondly, the promotion of means and methods for the peaceful settlement of disputes, which would include promoting recourse to the International Court of Justice and the use of third party dispute settlement mechanisms.

3. The Decade should also provide greater opportunities for considering measures designed to enhance the effectiveness of existing international instruments and should facilitate the progressive development and codification of international law.

4. The New Zealand Government is of the view that the question of convening an international conference at the end of the Decade might best be considered at a later stage on the basis of the programme proposed for the Decade.

SWITZERLAND

[Original: French]

[30 July 1990]

1. The achievement of the objectives of the United Nations Decade of International Law should contribute to the consolidation and promotion of world peace.

2. Today, international law forms a very important part of the legal order of States and affects almost every sphere of life. In view of the intensity of international relations and the interdependence of the subjects of the law of nations, the codification and progressive development of international law are necessary. It is essential that in relations between States law should be respected and should take precedence over force. This law should be balanced, as comprehensible as possible, devoid of contradictions and applicable in practice.

3. A determined commitment in favour of respect for and development of international law and recourse to means of peaceful settlement of disputes will help to stabilize international relations and therefore to keep the peace.

4. As the principal United Nations organ responsible for promoting, on a permanent basis, the codification and progressive development of international law, the International Law Commission will have a decisive role to play in the course of the Decade. Its particular task will be to give priority, as part of the process of codification, to topics which meet an existing and real need of the international community.

5. In spite of the existence of many international norms protecting human rights, every day those norms are seriously infringed in a large number of countries. During the Decade, States should make every effort to improve respect for fundamental rights as an essential condition for peace and security and also for economic and social development throughout the world. We should also strengthen the different international mechanisms designed to guarantee the supervision of undertakings by States for the safeguard of human rights. Similarly, we should

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develop further the dissemination and teaching of human rights, especially in schools and universities, and we should promote the training of individuals on the socio-professional level.

6. Although international law prohibits the threat or use of force, armed conflicts are regularly breaking out. It is therefore essential to regulate the conduct of war and ensure the protection of civilian or military victims of armed conflicts. In this connection, the four Geneva Conventions of 1949 and the two additional Protocols of 1977 play an important role. Indeed, the contracting parties are not only required themselves to respect the provisions of these instruments but they should also ensure their respect by others in all circumstances.

7. Respect for international humanitarian law is one of the means of smoothing the path towards the negotiated solution of armed conflicts and making a practical contribution to peace. The application of and respect for humanitarian law implies, however, that it should be known. The dissemination and teaching of such law is very important and we should seize the opportunity of the Decade to initiate action for the universal ratification of humanitarian conventions, especially the additional Protocols to each of which about 90 States are already parties.

8. The Convention of 10 October 1980 on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to have Indiscriminate Effects, together with its annexed Protocols, confirm the principle that the right to harm the enemy is not unlimited and supplement appreciably the Protocols Additional to the Geneva Conventions.

9. As we witness the constant and frightening development of arms technology, we must regulate and limit the use of certain means of warfare in order to ensure that mankind is not totally at the mercy of increasingly cruel weapons.

10. In this context, the Convention of 1980 and its Protocols constitute progress, albeit limited but nevertheless important, in the long-term task of developing the law of armed conflicts. During the Decade, we should encourage the international community to work more actively to secure the respect for and development of this type of law and, in particular, we should encourage those States which have not yet done so to ratify the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons.

11. Switzerland notes with satisfaction that one of the objectives of the Decade is to promote means for the peaceful settlement of disputes between States. Switzerland is convinced that a universal system for the settlement of disputes is essential for the community of nations. For this reason, already in 1948, although not a member of the United Nations, Switzerland did not hesitate to accede to the statute of the International Court of Justice and to sign the optional clause recognizing the compulsory jurisdiction of the Court.

12. Switzerland plans to contribute to the Secretary-General's trust fund to assist States in the settlement of their disputes through the International Court of Justice and considers that the Decade should encourage States which have not yet done so to recognize the compulsory jurisdiction of the Court.

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13. The principle of the peaceful settlement of disputes is the corollary to the prohibition of the use of force. States which have renounced the settlement of their disputes by force of arms must have at their disposal machinery for settling disputes peacefully.

14. The non-use of force in itself merely maintains existing tensions. It does not reduce them because it does not deal with their causes. International relations are in essence dynamic. We must therefore establish machinery which, because it enables the facts to be known, establishes the law, and proposes where necessary political solutions, will ensure in an orderly manner the implementation of the modifications made necessary by the evolutionary nature of relations between States.

15. We should therefore, every time we have an opportunity, encourage the conclusion of agreements or the insertion in them of clauses designed to settle disputes.

16. Within the framework of the Conference on Security and Co-operation in Europe, Switzerland is active in the elaboration of a method for the peaceful settlement of disputes designed to supplement existing machinery.

UNION OF SOVIET SOCIALIST REPUBLICS

[Original: Russian]

[31 August 1990]

1. The Soviet Union considers the declaration by the General Assembly of the period 1990-1999 as the United Nations Decade of International Law to be an important step towards the strengthening of the international legal order and the rule of law.

2. The foreign policy of the Soviet Union is rooted in the idea that the world order, which ensures for all equal security based on the principles of the Charter of the United Nations, is possible only if all States are bound by a strict obligation to observe international law. In its opinion, the guaranteeing of such a legal order presupposes the primacy of law in politics, the priority of international obligations over domestic dispositions and the universal applicability of generally recognized international legal principles and norms.

3. Today, as the international community becomes increasingly aware of the practical necessity of relying on law as a universal means of harmonizing international and national interests, new and extremely important means and opportunities for the legal regulation of international relations are emerging. The Decade of International Law could provide a stimulus for this process, especially if a generally acceptable and effective programme to mark the Decade is drawn up. The preparation of such a programme is a multifaceted task in which the political, scientific and social potential of all the members of the international community, particularly within the framework of the United Nations, needs to be tapped.

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4. In the opinion of the Soviet Union, the programme of the Decade should include the following elements:

(a) Measures aimed at ensuring the universal participation of States in the most important international treaties;

(b) The strengthening of existing guarantees and the creation of new guarantees for the strict observance by States of their obligations in accordance with international law through the full utilization of existing, and the development of new, monitoring and implementation machinery;

(c) The development and effective utilization of the whole complex of means for the peaceful settlement of disputes, ranging from preventive measures, early identification of conflict situations, fact-finding and utilization of all available arrangements and machinery to the actual settlement of disputes, if necessary with the participation of a third party. Here the emphasis should be on enhancing the role and effectiveness of the International Court of Justice;

(d) Reaching a uniform understanding of the content, norms and principles of international law through intensified international discussion of these matters at both the governmental and the non-governmental levels;

(e) The continued development of international law, reflecting the growing interdependence in the world, the current trend towards expansion of the fields in which States interact and which require legal regulation, especially the environment, the results of scientific and technical advances, and human rights. This area includes such problems as combating international terrorism and suppressing illicit drug trafficking;

(f) Drawing up a series of recommendations on more effective ways of incorporating the international obligations of States in their internal legislation and legal practice;

(g) Taking steps at the governmental and non-governmental levels to disseminate among public opinion an understanding of law as the foundation of the contemporary world order through the broad dissemination of knowledge of this subject at both international and national levels.

5. The question of the effectiveness of the functioning of the United Nations has a direct bearing on the strengthening of the role of law and on the tasks of the Decade. The Soviet Union considers it essential to strengthen in every possible way, including by legal resources, the Organization's peace-making capacity, starting with the powers of the General Assembly, the Security Council and the Secretary-General.

6. One of the purposes of the programme of the Decade might be to make provision for the convening of an international conference at the end of the Decade, for example, the third international peace conference, which would sum up the achievements of the Decade in terms of the creation of international legal norms for the guidance of States in their relations in the new century.

7. It is evident that the programme of the Decade, to be effective, must rest on a broad international consensus, the achievement of which would be greatly facilitated if the matter was discussed in the context of a working group of the Sixth Committee of the General Assembly.

VENEZUELA

[Original: Spanish]

[8 June 1990]

The following are the preliminary observations of the Government of Venezuela regarding issues which might be considered and refined by the working group of the Sixth Committee to be established during the forty-fifth session of the General Assembly with a view to preparing generally acceptable recommendations for the United Nations Decade of International Law, in implementation of General Assembly resolution 44/23 of 17 November 1989:

(a) The working group should be entrusted with the task of preparing the agenda for the conference to be convened pursuant to paragraph 3 of the resolution, and consideration should be given to the desirability of convening during the Decade other international conferences on the progressive development of international law and its codification. A list of the different legal issues pending in the various bodies of the United Nations system might be drawn up in that connection;

(b) Consideration should be given to the possibility of publishing compilations of texts on international juridical norms, in particular, those provisions of public and private law which are of special interest to the developing countries;

(c) Meetings of young professionals from developing countries should be encouraged during the Decade with the aim of promoting the teaching, study and dissemination of international law;

(d) Respect for the norms and principles of international law should be encouraged, and ideas and methods to increase resort to and respect for the International Court of Justice should be considered.

YUGOSLAVIA

[Original: English]

[16 July 1990]

1. The Government of Yugoslavia has from the outset endorsed and fully supported the idea of declaring the period 1990-1999 as the United Nations Decade of International Law, as outlined in General Assembly resolution 44/23. The Government of Yugoslavia considers that it is necessary to prepare the programme

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for the Decade carefully and to reach general consensus on it, so that this useful idea may be fully implemented and produce optimum results in the further development and strengthening of the role of international law world wide.

2. Yugoslavia has always attached great importance to respect for international law and has actively been engaged in the process of its progressive development and codification. Within the Non-Aligned Movement, Yugoslavia supported the initiative concerning the proclamation of the Decade; it co-sponsored the resolution and contributed to its adoption by the General Assembly.

3. Having in mind the text of resolution 44/23 and the statements made by representatives of the Member States in the general debate on this subject, the Government of Yugoslavia is of the opinion that the overall activities during the Decade should proceed in two main directions: on the one hand, to ensure the rule of law, i.e., to implement the existing international law as fully and as comprehensively as possible; and on the other, to develop international law further, modernize it and adjust it to suit the needs of the international community.

4. Since the time the United Nations was founded, great progress has been made in the field of international law, where, more or less, all present members of the international community have taken part. This particularly holds true as regards the definition of the basic principles of international law derived from the Charter of the United Nations and other numerous international documents endorsed by the international community over the past 45 years.

5. The initial specific task to be carried out during the Decade would be to assure the widest, universal acceptance and application in practice of the basic principles of international law, on which the entire system of international law is based. To this end, the Yugoslav Government holds the view that an item devoted to the basic principles of international law should be included in the agenda of one of the forthcoming sessions of the General Assembly. The Sixth Committee of the Assembly could be entrusted, having particularly in mind the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the United Nations Charter, with the task of examining: (a) problems related to the implementation of existing principles; (b) proposals concerning the interpretation and more detailed elaboration (progressive development) of some principles; and (c) any proposals for introducing new principles.

6. Towards that end the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization should complete its extensive work on harmonizing the principles and procedure for the peaceful settlement of international disputes, thus enabling application of solutions adopted within the United Nations mechanism (prevention, supervision, peace-keeping, the roles of the General Assembly, the Security Council and the Secretary-General). Thought could be given also to the idea put forward by non-aligned countries to draw up a new universal convention on the peaceful settlement of international disputes. If this idea were supported, it would be useful to develop, in the new convention, means of dispute settlement as well as

bodies, which, depending on the nature of dispute, would be automatically invoked when the dispute arises, with a view to an objective and impartial fact-finding and final settlement of disputes.

7. One of the ways and methods of promoting the dispute settlement procedure is no doubt greater resort to arbitration and court mechanisms and institutions, primarily to the International Court of Justice. Therefore, it would be appropriate to invite the States to accept in as large numbers as possible during the Decade the optional clause on the compulsory jurisdiction of the International Court of Justice. The Secretary-General's initiative to set up a trust fund to assist countries in using the services of the Court is an important means of ensuring wider access of States to the Court. Other ways of a more extensive use of the capacity of the Court should also be envisaged, e.g. through more frequent requests for advisory opinions. It is perhaps time to examine also the need to change the number of judges on the Court, given the fact that the number of States Members of the United Nations has considerably increased since the number of judges was last enlarged.

8. Elaboration of a long-term programme of activities aimed at the progressive development of international law and its codification should be a major objective during the Decade. In the view of the Yugoslav Government, the International Law Commission remains the most suitable and indispensable forum dealing with these matters. Yugoslavia, however, recognizes the need repeatedly stressed elsewhere for undertaking necessary measures designed to improve the efficiency of the Commission's work. Elaboration of the programme of activities mentioned above requires prior preparation. In this connection the Yugoslav Government proposes that the Secretariat of the United Nations undertake a study to provide the following responses: (a) the extent of coverage of the main subjects of international law by the relevant international instruments in the field; (b) the status of ratification and entry into force of existing instruments in the field of international law, especially of international conventions of a legislative character; and (c) an overview of the principal areas of international law which have not been treated or have been inadequately dealt with in the relevant international legal instruments. Only on the basis of this study, which could probably be carried out in the first two years of the Decade, can a long-term programme of work on the progressive development of international law and on its codification be proceeded to.

9. The Yugoslav Government deems it necessary to devote special attention in the further development of international law to the areas such as protection of minority rights, environmental protection, legal regulation of new advances in science and technology, exploration and use of outer space, disarmament and combating terrorism, drug abuse and illicit trafficking.

10. Consideration of the present status of the formal sources of international law is singled out as being of the utmost importance. This concerns above all the role and place of the declarations and resolutions of the United Nations, as well as of various documents adopted by other international organizations of a universal or regional character (e.g. the International Maritime Organization, the European Communities, the Council of Europe) and at international conferences in the system of international law sources (resolutions, final acts).

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11. As far as the teaching, study, dissemination and wider appreciation of international law are concerned, which the Yugoslav Government considers an extremely important task during the Decade, it would be good to draw upon the experience gained, for instance, in the World Campaign for Human Rights or in the efforts of the Red Cross in disseminating knowledge about its principles, tasks and objectives. In order to be able to achieve this, activities should be co-ordinated with those already undertaken by the United Nations Programme for the Dissemination of International Law. Therefore, the Yugoslav Government proposes concrete measures and activities in this field: development of new, updated manuals of international law; development of theoretical and analytic studies on topics important for the implementation of the programme for the Decade; training of the personnel of the ministries of foreign affairs in international law at universities; and establishment and enhancement of appropriate forms of teaching and scientific co-operation (at the bilateral, regional and global levels).

12. The Yugoslav Government considers interesting the idea of holding an international conference at the end of the Decade (1999), which would mark in an adequate manner the strengthened role of international law at the turn of the century. It would be appropriate, however, to take a final decision on the convening of and the agenda for the conference only after a certain period of time, on the basis of the assessment of the initial results achieved in bringing about the expected outcome of the Decade. The development of the widest possible consensus will be very important in these endeavours.

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ANNEX II

REPLIES RECEIVED FROM INTERNATIONAL INTERGOVERNMENTAL
ORGANIZATIONS AND NON-GOVERNMENTAL ORGANIZATIONS

FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS

[Original: English]

[6 June 1990]

1. One of the most practical ways to achieve acceptance of and respect for the principles of international law is to operate at the educational level. People should be trained from childhood to keep in mind that they belong to an international community and this would help develop a strong "public international conscience". Educational programmes aimed at teaching and dissemination of basic principles of international law, aimed at a peaceful development of the world, can be developed and promoted by the United Nations system in co-operation with the Member States. These programmes should also be included in the school curricula. The United Nations system can produce suitable publications for this purpose.
2. The observance of the Decade should ensure involvement of the common people, in addition to the experts, in order to stimulate people's interest in international law. The year 1995, in the middle of the Decade, could be used in particular to promote public opinion for the preparation of the proposed 1999 international peace conference, as it happens to be the fiftieth anniversary of the end of the Second World War and the founding of the United Nations and the three hundred and fiftieth anniversary of Grotius' death.
3. One of the objectives of the Decade could be the development of international and regional co-operation and promotion of multilateralism. Specialized agencies like FAO could be helpful in this regard, particularly in the economic and technical fields, in many ways including the provision of direct legal advice for the development of international legal instruments.
4. Paragraphs 7 and 8 (h) and (j) of attachment I to the letter of the Secretary-General dated 8 February 1990 has been noted in particular in the context of the proposed programme for the Decade. In this connection, the following topics are suggested as possible elements for the Decade's programme:
 - (a) Legal means for the promotion and guarantee of food security;
 - (b) Promotion and guarantee of the "right to food" as a human right through legal ratification within existing or new international legal instruments;
 - (c) Legal means aimed at promoting and ensuring stable and equitable prices for raw materials in the context of international trade relations;
 - (d) Promotion of training and research in international law relating to development (including the laws on natural resources and environment).

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UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION

[Original: French]

[14 June 1990]

1. While in general UNESCO welcomes the main purposes of the United Nations Decade of International Law, as set forth in General Assembly resolution 44/23 of 9 January 1990, paragraphs 2 and 3, with a view to the establishment of a world peace and security order, the organization is more particularly concerned by paragraph 2 (d) of the resolution, which relates directly to its sphere of competence.
2. Paragraph 2 (d) reads as follows:

"The General Assembly,

...

"2. Considers that the main purpose of the Decade should be, inter alia:

...

"(d) To encourage the teaching, study, dissemination and wider appreciation of international law".
3. UNESCO's contribution to the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law has been directed towards the attainment of this objective since the middle of the 1960s.
4. It is in connection with this point that UNESCO could usefully put forward some suggestions in response to paragraph 3 of the resolution, which invites appropriate international bodies to transmit to the Secretary-General their "views ... on the programme for the Decade and on appropriate action to be taken during the Decade, including the possibility of holding a third international peace conference or other suitable international conference at the end of the Decade".
5. Before making such specific suggestions, a more general comment is in order relating to the fact that UNESCO, under its Constitution, will:

"Maintain, increase and diffuse knowledge;

...

"By encouraging co-operation among the nations in all branches of intellectual activity, including the international exchange of persons active in the fields of education, science and culture and the exchange of publications, objects of artistic and scientific interest and other materials of information". 1/

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UNESCO's sphere of competence in the intellectual domain is thus extensive and encompasses questions of international law, which themselves are of necessity related to questions of peace.

6. In view of the foregoing considerations, the following activities should be undertaken during the Decade.

I. IN-DEPTH CONSIDERATION OF INTERNATIONAL LAW TO THE YEAR 2000

7. Since the Second World War international law has undergone considerable development and has expanded into various domains which previously were the almost exclusive preserve of States. There has also been a massive increase in the subjects of international law, including private persons. The function of international law cannot henceforth be limited to that of regulating inter-State relations and lessening tension.

8. International law also provides the framework for joint action by different partners and equitable co-operation between them even though in other respects it may contribute to the maintenance and perpetuation of inequalities among States.

9. Accordingly, within the context of the Decade, considerable thought must be given to elucidating the various functions of international law and to its areas of relevance.

10. In this connection, the General Assembly could, by means of an appropriate resolution, suggest to States, appropriate international bodies and non-governmental organizations the organization during the Decade of expert meetings on the above questions, meetings which should not be restricted solely to professionals in the field of international law, but which should adopt a multi-disciplinary approach and embrace all those concerned with the future of our planet.

11. Yet we must go further and undertake more specific activities to "encourage the teaching, study, dissemination and wider appreciation of international law".

II. ENCOURAGEMENT OF THE TEACHING, STUDY, DISSEMINATION AND WIDER APPRECIATION OF INTERNATIONAL LAW

Encouragement of the teaching of international law

12. At the informal consultation on teaching and research in public international law held at UNESCO headquarters from 2 to 4 February 1987, most of the participants (a judge of the International Court of Justice, international law professors and practitioners) noted a decline in the teaching of international law, which manifested itself in a number of States by a fragmentation of teaching programmes on international law, which, in pedagogical terms, translated into a multiplicity of specialized courses limited to a more or less specific domain of international law.

13. The participants also noted that excessive specialization was likely to relegate to a secondary position those fundamental principles which, at every stage of its development, had given international law its general character. Further, they noted that the decline in the teaching of international law was also apparent in the optional nature of the teaching of international law. The subject was not universally obligatory, even for jurists, or, a fortiori, for economists or political scientists, not to mention students of other social sciences. In general, even where such teaching was obligatory, the number of hours devoted to it was rather woefully inadequate. The following suggestions are made further to this observation:

(a) Introduction of obligatory basic education in public international law: The participants in the informal consultation expressed the wish for States to be encouraged to provide all students in law, economics and political science faculties with an obligatory minimum general education in international law so that the values embodied in the basic principles of international law would become a major element in their training.

(b) Training of instructors: The teaching, study, dissemination and wider appreciation of international law cannot be encouraged if the question of training instructors is neglected. Such training should, of necessity, thus be encouraged, particularly where the third world is concerned. In this connection universities and other appropriate institutions should be strongly encouraged to organize post-graduate training courses in international law as well as regional exchanges of faculty and students. The establishment of chairs of international law should be encouraged.

(c) Encouragement of the consideration of methods of teaching international law: Participants drew attention to questions relating to methods of teaching international law. Methods differ from country to country, be they English-speaking, continental western European, socialist or third world. These different methods might thus be usefully examined in the context of comparative studies and expert meetings.

(d) Encouragement of the production of teaching material: Attempts to develop the teaching of international law should be matched by an equivalent effort to publish textbooks. UNESCO has undertaken efforts towards that end and plans to publish, in 1991, an introductory handbook on public international law as a contribution to the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law and the United Nations Decade of International Law. The aim of the handbook is to make available to students a collective work offering an analysis of general international law and opening out onto specific branches of international law.

III. DEVELOPMENT OF RESEARCH AND DOCUMENTATION IN PUBLIC INTERNATIONAL LAW

14. Several participants at the consultation drew attention to the fact that third-world States had long been left on the sidelines in the formulation of international law, particularly with regard to customary law, which seems essentially to be a form of law developed on the basis of the practice of Western States.

15. Nevertheless, practice has begun to develop more recently in third-world States which deserves to be more widely known. Accordingly, it could be suggested that the Decade should provide an opportunity to draft a number of repertories of the practice followed in third-world States and in the regional and subregional organizations which they have established. Similarly, the publication of yearbooks of public international law, national, or, at least, regional in scope, could also be encouraged.

16. It would also be extremely useful, given the difficulties experienced by instructors, researchers and practitioners, to have access to documentation relating to international law and, in the third world, to make an attempt to collect and computerize available data.

IV. POSSIBILITY OF CONVENING A THIRD INTERNATIONAL PEACE CONFERENCE AT THE END OF THE DECADE

17. The two major conferences held at The Hague in 1899 and 1907 marked a dramatic start to the twentieth century in terms of international law. The subsequent increase in the scope of international relations and international co-operation promoted the quantitative expansion of international law, an expansion which seems set to continue during the twenty-first century. Consideration should thus be given to the idea of convening, along the lines of the two Hague conferences, a third international peace conference which would look ahead to the twenty-first century and constitute the crowning achievement of the Decade.

Notes

1/ In: Manual of the General Conference: Constitution of the United Nations Educational, Scientific and Cultural Organization, Paris, 1988, p. 8.

WORLD BANK

[Original: English]

[17 July 1990]

1. The Bank supports the objectives of the Decade of International Law. The Bank Group is contributing to the means of peaceful settlement of disputes in many of its own activities in the fields of international lending, investment and arbitration. In this respect, the establishment of the International Centre for Settlement of Investment Disputes (ICSID) comes to mind. While ICSID is directly concerned with settlement of disputes between private foreign investors and States, under the ICSID convention, recourse to ICSID arbitration precludes diplomatic protection, and thus reduces the potential for disputes arising between States on matters within the scope of the ICSID convention.

2. In respect of their own lending operations, the Bank and IDA General Conditions contain arbitration clauses to resolve all disputes between the parties to agreements incorporating the General Conditions.

3. Recently, the Multilateral Investment Guarantee Agency (MIGA) was established to provide guarantees against political risks to foreign investors in developing member countries. MIGA also promotes international law by ensuring that investor's insured claims are paid promptly and establishing appropriate arbitration mechanisms through which MIGA may pursue claims as subrogee to indemnified investors.

4. In planning activities under the auspices of the Decade, other efforts at promoting acceptance of international law should also be noted. Of particular relevance is the Project on the Governing Rules of International Law, for which a two year trial period has been undertaken by the American Society of International Law, under the general direction of a steering committee headed by Professor Louis B. Sohn.

5. Finally, the question of a conference to be held at the end of the decade may be more appropriately decided later in the Decade, taking into account the activities of the first few years of the Decade.

INTERNATIONAL MARITIME ORGANIZATION

[Original: English]

[2 July 1990]

Introduction

1. The following comments and views on the programme of the United Nations Decade of International Law are related to the IMO experience in the making of international treaty and non-treaty instruments. A summary description of this experience is followed by some evaluative comments. Finally, the conclusions drawn

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from this evaluation are related to the substantive views by IMO on the action to be taken during the Decade in accordance with the tasks and purposes expressed in General Assembly resolution 44/23.

IMO activities as seen from a legal point of view

2. IMO is the only specialized agency of the United Nations wholly dedicated to maritime affairs. Its activities, which were initiated in 1959, have been focused on the elaboration and adoption of conventions, protocols and recommendations to be implemented in the field of maritime safety, efficiency of navigation and the prevention of marine pollution. IMO has also developed treaty instruments with the purpose of unifying international law in questions of liability and compensation for damage resulting from ships' activities and, in particular, from vessels' source pollution. IMO activities have resulted in the elaboration of 33 conventions and protocols and well over 600 codes and recommendations.

3. The continuous elaboration of international provisions undertaken at IMO should be primarily understood as an answer to the compelling needs arising out of the extremely fast and changing patterns of international navigation which have taken place during the past four decades.

4. This fast development experienced by the shipping industry has resulted in continuous changes in the design, construction and equipment of ships which, while helping the continuous improvement of their commercial viability, pose safety risks of a dimension unknown to past generations; new types of vessels have been constructed to enable the carriage of a continuously increasing variety of goods which, while being of paramount importance for the industrial progress and economic welfare of all nations, pose serious risks while being transported by sea. Dangerous goods, such as the ones produced by the oil, chemical and nuclear industries, require the greatest possible care in their handling and carriage. Similar measures of extreme precaution must be adopted in respect of the carriage and maintenance of containers. Accidents like those involving passenger ferries or oil spills show that technical shortcomings or deficient education of masters, officers and crews continue to pose a challenge to technical experts and government officers in search of the achievement of the highest safety standards.

5. This shipping revolution both affects safety of navigation and is a source of pollution which results not only from accidents but also from normal operation from ships such as loading and unloading of oil, washing up of tankers, and discharge of sewage or other wastes. The increasing awareness of the danger posed by such risks to the marine environment has led to a dramatic reversal of some traditional concepts upon which the elaboration of rules of international maritime law has been based. Until a few decades ago, this law-making activity was focused on ensuring that goods and persons on board arrived safely to their destination; the protection of the marine environment was disregarded because the sea was considered to be the very place where disposal of wastes could take place without seriously affecting any State or private interest. Nowadays the sea is a different place altogether as a subject-matter of any law-making activity, be this activity national or international.

6. The existence and activities of IMO are justified by the consensus of its 133 member countries that these risks to safety of navigation and to the marine environment should be controlled and reduced with the help of international regulations. The regulation of maritime risks undertaken at IMO refers to rules and standards which are mandatory if contained in conventions and protocols, and non-mandatory in the case of recommendations.
7. The answer of IMO to this global problem consists in elaborating and updating technical rules or standards which establish in a very precise way the technical requirements to be followed to ensure the highest safety in matters such as construction, stability, fire protection and life saving appliances in ships, training of sea-farers, carriage of dangerous goods etc. The most important conventions adopted by IMO in the field of safety of navigation are the International Convention for the Safety of Life at Sea 1974, the International Convention on Load Lines, 1966, the Convention on the International Regulations for Preventing Collisions at Sea 1972 and the International Convention on Standards of Training, Certification, and Watchkeeping for Seafarers, 1978.
8. The task of preserving the marine environment led to the adoption at IMO of the International Convention for the Prevention of Marine Pollution from Ships, 1973, as amended by the Protocol 1978 relating thereto. This treaty instrument establishes technical regulations on ships' design, equipment and navigation with the purpose of avoiding any polluting activity from ships: not only should they be safe as carriers of persons and goods, they should also be safe, bearing in mind other interests such as fishing, tourism, and any other resources upon which the future of mankind seems to depend.
9. In the case of the IMO technical conventions such as those on safety of life at sea and prevention of marine pollution, the practice to separate technical standards from basic treaty provisions is normally followed. The basic treaty lays down the permanent institutional framework and procedure for the elaboration, adoption, revision, implementation and supervision of standards. The technical standards, which are appended to the basic treaty in the form of annexes, provide detailed rules drafted by technicians. While the basic treaty follows the traditional legal pattern of international conventions, insofar as it is subject to diplomatic adoption and ratification by participating States, the technical standards are subsequently adopted and revised by means of a procedure which by-passes the diplomatic circuit for the sake of a more expedient updating in the face of the challenges posed by the ever changing technological patterns: amendments are prepared by technical experts and adopted by the standard technical committees of the organization, such as the Maritime Safety Committee and Marine Environment Protection Committee. Amendments are considered tacitly accepted but this procedure of tacit acceptance allows dissenting parties to opt out by means of a notification that they do not want to be bound by the new standards. This method has enabled the up-dating of the technical provisions included in IMO conventions, thus avoiding their becoming obsolete in the face of the continuous technological progress above-mentioned.
10. Many IMO recommendations, although of a non-mandatory kind, enjoy widespread acceptance; a paramount example of this is the International Maritime Dangerous Goods Code. Although this Code has been adopted as a recommendation by the IMO

Assembly, many States have made mandatory the rules and standards therein by enacting them into their domestic law.

11. The purpose of the IMO liability conventions is to ensure the worldwide enforcement of norms providing adequate compensation for the damage resulting from marine accidents. In this case too, IMO activities have been impelled by the force of events: it was as a result of the Torrey Canyon disaster, which occurred in 1967, that Governments decided to deposit with IMO the trust of producing a global treaty instrument to ensure adequate compensation for the victims of oil pollution damage. As a result of the work of the IMO Legal Committee a draft convention was submitted for the consideration of an international conference convened in 1969; this conference adopted the International Convention on Civil Liability for Oil Pollution Damage 1969.

12. That Convention is the first providing for substantial rules of liability and compensation for oil pollution damage. By establishing strict shipowners' liability as well as limits to this liability fixed in international adjustable value (gold franc) this Convention represents a step forward in the task of ensuring that adequate and uniform compensation is provided world-wide to victims of maritime oil pollution damage. The contribution of the shipowner (normally an oil tanker owner) to the payment of compensation for oil pollution damage provided by the Convention was complemented two years later by the adoption of another treaty instrument which provides for additional compensation, this time to be paid by the owners of the oil being transported by sea (normally the oil companies which receive crude oil to refine in with a view to distribution and commercialization). This treaty is the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage (Fund Convention). In 1976 two protocols to the Convention on Civil Liability and the Fund Convention were adopted to provide for a new international unit of account (the Special Drawing Right as calculated by the International Monetary Fund) in order to guarantee more adequate values to establish compensation. Further protocols adopted in 1984 substantially increase the liability limits so as to ensure the adequacy of this compensation in the face of increasing damage potential of oil transportation by sea.

13. Further to the establishment of this international régime for compensation for oil pollution damage from ships, another IMO liability convention, namely, the Athens Convention Relating to the Carriage of Passengers and their Luggage by Sea, was adopted in 1974 and subsequently amended by a protocol adopted in 1990. Furthermore, the Convention on Limitation of Liability for Maritime Claims, adopted in 1976, provides for limits of compensation in respect of damage caused by marine accidents in general. At present, a new international liability régime for hazardous and noxious substances is being discussed at the IMO Legal Committee.

14. IMO was decisively enlisted in the fight against terrorism as a consequence of the Achille Lauro incident. In March 1988 an international conference held in Rome adopted by consensus a Convention for the Suppression of Unlawful Acts Against Maritime Navigation and a Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf. The list of offences covered by the Convention include the seizure of ships by force, acts of violence against persons on board ships, and the placing of devices on board a ship which

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are likely to destroy or damage it. The main purpose of the Convention and Protocol is to ensure that appropriate action is taken against any person committing these offences. For this purpose, it places on States parties the obligation either to extradite or to prosecute alleged offenders.

Some evaluative considerations on IMO activities

15. How should IMO activities be evaluated as a tool for the development of international law in the elaboration of treaty and non-treaty instruments? This question can only be answered by carefully balancing the undoubtable achievements and the obstacles faced by an organization which has been listed among the most active ones in the United Nations system.

16. The fact that treaty making activity at IMO has normally been conceived as an answer to concrete and compelling needs posed by the evolution of international commercial navigation has impressed a very characteristic feature in the adoption of IMO treaty instruments. As this adoption has been frequently imposed by rapid technological progress the organization has faced important dilemmas in its task of developing suitable international regulations. Law cannot change frequently for the sake of following an increasingly sophisticated technology. A mandatory regulation should remain unchanged for a substantial period of time in order to show its usefulness.

17. This dilemma has influenced the continuous assessment of the convenience of adopting new treaty instruments or of amending existing ones. Resolution A 500 (XII) adopted at the twelfth regular session of the IMO Assembly gives priority to the enforcement of existing conventions and also establishes that amendments to these conventions should be considered and adopted only when there is a compelling need to do so. As they are normally justified by such needs, IMO activities present a shortcoming in so far as there is not sufficient staff or resources at the IMO secretariat to devote to works of research in order to establish how IMO regulatory activities should develop in the long term and which legal pattern should suit this development. In this respect, it must be acknowledged that while the priorities to be established should be primarily related to urgent needs, research activities should be considered of great importance for they reflect the necessary long term view of an organization such as IMO.

18. The continuous upholding of the principle according to which treaty making activity should be justified by a compelling need has enabled a general consensus among member countries in support of the Organization's activities. The success of IMO is shown by the fact that most of its treaty and non-treaty instruments have been adopted by consensus, thus fulfilling one of the main purposes involved in the establishment of specialized agencies in the United Nations system: agencies are expected to deal with subjects which, due to their paramount importance for mankind, should be considered as bound to fulfil objectives which the international community acknowledges as being beyond political differences. In a way similar to the tasks of fighting famine or disease, safety of navigation, prevention of pollution and adequate compensation for the victims of marine accidents are goals to be achieved irrespective of any ideological or political confrontation among nations. IMO has provided the adequate forum for a consensus not frequently seen

in other international forums. Even nations separated by war have been able to work together in the elaboration of IMO instruments.

19. The existence of such a consensus, which IMO delegates have managed to maintain and increase since the inception of the organization's activities, should be considered as the main explanation of why most IMO treaty instruments have come into force after a reasonable period of time: a convention or a protocol adopted at IMO has never been the result of close voting through which some countries manage to impose their will upon others for the sole reason of being more in number. Once a treaty has been adopted by consensus, the way for its international entry into force is already paved, and even those countries which cannot ratify it make an effort to do so by progressively adapting their own national legislation to international requirements.

20. As amendments to conventions are also adopted by consensus, States have rarely made use of the opting out clause in respect of the amendments to enter into force as a consequence of the operation of the system of tacit acceptance. Whenever a State has made use of this opting out clause, it has indicated that, although it cannot accept the amendments due to technical problems, a resolution of the problem is expected in the near future. Thus, the risks of coexistence of an amended convention valid for some Parties and the unamended text still in force in respect of others has so far been avoided.

21. Another successful outcome of the upholding of the principle of consensus as a paramount one in the elaboration of international instruments is that even non-binding provisions such as those contained in IMO recommendations have become widely enforceable. The provisions of the Maritime Code of Dangerous Goods, which set out precautionary measures to be taken in respect of the package and handling of dangerous goods in their maritime transport, are frequently enacted as mandatory into domestic legislation.

22. IMO rules and standards are expected to be universally applied. However, not every country in the world possesses enough resources to enforce them. In particular, developing countries find it extremely difficult to implement provisions which call for new equipment in ships and harbours, sophisticated techniques of control by the maritime administration, of traffic in ports and jurisdictional waters. As opposed to highly industrialized nations, financial and technical resources are normally lacking in developing countries.

23. This situation poses a serious obstacle to the universal acceptance and uniform implementation of IMO conventions and invites serious reflections on how such acceptance and implementation necessarily depend on the transfer of technology and resources both of a material and a human kind. This dilemma is illustrated in two IMO conventions, namely the 1973 Convention on marine pollution (see para. 8) and the 1978 Convention on standards for seafarers (see para. 7). In both a provision has been introduced to the effect that parties shall promote support for those parties which request technical assistance to implement the convention. It is expressly stated that this assistance can consist of technical personnel, supply of equipment, research, etc. This provision, called "promotion of technical co-operation", reflects the increasing importance of developing countries for the achievement of IMO objectives; furthermore it reflects the conviction that the need

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to abolish inequalities should be taken into account in the drafting of international treaty instruments. A further step for the factual implementation of a technical co-operation programme has been taken at IMO by establishing a Technical Co-operation Division, in charge of channelling international assistance from multilateral and bilateral sources to developing countries.

24. IMO provides substantial legal advice to national maritime administrations of developing countries on the implementation of IMO treaties and recommendations into the national legislation. One of the most important conclusions to be drawn as a consequence of this advisory experience is that there is a widespread need of specialized lawyers to cope with the complexities involved in the implementation of increasingly sophisticated legal issues involved in the implementation of instruments relating to maritime law in general and IMO conventions in particular. As an answer to these training needs IMO, in collaboration with the Government of Malta, has established the IMO Institute of Maritime Law. This institute, the first one of this type in the world, provides some 20 students at a time with a comprehensive course in international maritime law lasting for one full academic year.

Action to be taken during the decade in accordance with the tasks and purposes expressed in General Assembly resolution 44/23

25. The main purposes of the Decade, contained in paragraph 2 of General Assembly resolution 44/23, should be analysed following a familiar critical point of view: not only have doubts multiplied about the existence and duties of many international organizations, but a novel situation has been added to those doubts. The past few months have witnessed a definitive end to the post-war period which justified many of the United Nations activities since its inception. Many people would ask what the reason is for maintaining costly international structures now that the super-Powers and indeed most countries in the world are able to negotiate solutions to almost any problem among themselves. However, the main objectives enshrined in the Charter of the United Nations should be interpreted in a different way: the meaning of peace and security has changed; the reality in 1990 is absolutely different from what it was not only in 1945 but also in 1989.

26. It seems obvious that respect and adherence to the principles of international law can only be promoted once these principles have been analysed and eventually redefined in accordance with the needs of a changing world. One of the main aspects to be considered in the proposed preliminary critical assessment refers to the need for carefully evaluating the different ways of codifying international law. During the past decades, customary law has been progressively codified for the benefit of the international community and with the help of the United Nations and its specialized agencies. The United Nations Convention on the Law of the Sea is an outstanding example of this development. However, any global strategy to help further development of the codification of international law must take account of a basic principle according to which codification is a restriction to freedom and as such must be explained and justified in every case. In this respect, the alternative of umbrella conventions enshrining basic principles or regulatory conventions providing for specific obligations to States and individuals should be related to the specific subject-matters in respect of which codification is considered necessary. Equally, a proper assessment should be made of the

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alternatives to codification through mandatory rules included in international treaties. Among these alternatives, mention should be made of those formulations which frequently carry more information and thus guide the activities of Governments in enacting their own legislation.

27. The programme of the Decade should include research on the reason and effectiveness of the different ways of codifying international law. Concrete examples of success and failures of treaty instruments and guidelines and recommendations issued by international bodies should be analysed, and conclusions should be drawn in order to work out when and by what means customary law should be codified.

28. As IMO experience shows, the assessment of a need to elaborate a treaty instrument and the achievement of a consensus in the negotiation of its provisions are of the utmost importance to ensure its entry into force and effective implementation.

29. An analysis of the criteria which normally justify the elaboration of treaties should be included in the programme for the Decade in order to establish how the need for such treaties is assessed. Further analysis should be undertaken of the ways of negotiation among States as a source of international instruments. The influence of political, social and economic considerations in the achievement or frustration of consensus among States should be carefully studied as important factors directly related to the elaboration of rules of international law.

30. IMO experience in the need to bring international law up to date with technological requirements could be related to the general problem posed by the need to provide international instruments that are appropriate to a situation of technological change. The influence exerted by technological development on the elaboration of international law should be considered in order to establish how traditional law-making procedures cope with the ever changing nature of technological subject-matters in need of international regulation. Particular importance should be given to the ways and means in which the process of formal acceptance of conventions and their amendments as well as their implementation should be modified in order to enable international legal instruments to become effective in their tasks of controlling the risks posed by technology.

31. As to the relation of technical co-operation to the effective implementation of increasingly complex international instruments, the following recommendation could be considered: (a) in assessing problems involved in the adoption and implementation of international instruments of a global kind the differences between developing and developed countries should be considered as a paramount feature; (b) special attention should be paid to the need for transferring resources and expertise as a sine qua non for the implementation of instruments regulating obligations of a complex technological nature; and (c) consideration should be given to the need for including in global treaties mandatory rules providing for this transfer of resources and know-how, as substantive obligations to be assumed by States parties.

32. The objectives of the establishment of the IMO International Maritime Law Institute are closely related to one of the purposes of the Decade expressly

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formulated in resolution 44/23, namely, "to encourage the teaching, study, dissemination and wider appreciation of international law". The following general recommendations should be considered: (a) the teaching of international law should be encouraged at the national and international levels; (b) research should be undertaken to assess the importance of this teaching in universities and law faculties in different parts of the world; (c) on the basis of this research, recommendations on how to enhance the importance of this teaching should be made with a view to avoiding the possibility that international law teaching is relegated as a marginal discipline as compared with other subjects of study involved in acquiring a law degree; (d) the existing trend to teach international law solely emphasizing its theoretical aspects should be decisively reversed. International law should not only be taught as a theory but as a practice. Thus, to arouse the interest of the average law student, emphasis should be given to the practical aspects which nowadays so closely relate national to international law (i.e. elaboration and adoption of treaties, evaluation of their advantages and disadvantages, bearing in mind the different situations in different countries, implementation of international treaties and recommendations into national legislation, etc.); (e) at the international level, the purposes of the Institute could be followed by institutions of a similar kind. Their purpose should thus be that of enhancing the legal expertise in developing countries by addressing substantive legal matters and providing adequate training with a practical view in mind; and (f) lawyers should be trained to serve their countries and their international community in a most practical way. They should be able to provide solutions to legal problems involving national and international regulations.

33. The present unique international situation calls for a decisive review of the relationship and interaction between national and international law. The programme of the Decade should be established in such a way that every opportunity is given to discuss the changing patterns of national and international law and how their relationship and interaction is adapting to these changes. Special reference should be made to the evolution of the concept of sovereignty and state jurisdiction and the increasing internationalization of subjects such as the prevention of terrorism, the protection of the environment, or the laws governing commercial transactions, arbitration, multimodal transport, compensation for damage to the environment etc.

34. The tasks of the specialized agencies and their contribution to peace should be recognized as one of the most outstanding achievements of the United Nations system. Studies and publications should be promoted to show the extent of this contribution to the fight against famine and malnutrition (FAO), for better working conditions (ILO), or for safer navigation and cleaner oceans (IMO), to mention but a few. The role of specialized agencies should be re-assessed and enhanced to serve the needs of a changing world.

35. Finally, it should be acknowledged that international law should provide the means for the increasing integration in a world in which speedy improvement of communications would bring nations and individuals continuously closer. The increasing achievement of common ethical values as a way of defeating any type of discrimination among nations or human beings should be the main premise for the further development of international law.

WORLD INTELLECTUAL PROPERTY ORGANIZATION

[Original: English]

[7 June 1990]

1. The views of WIPO on the United Nations Decade of International Law that follow are submitted within the context of the objectives of WIPO as defined in its constituent instruments, namely, to promote the protection of intellectual property throughout the world through co-operation among States and, where appropriate, with any other international organization and to ensure administrative co-operation among the intellectual property unions.
2. The activities undertaken by WIPO in pursuit of its objectives are closely linked to each of the main purposes of the Decade mentioned in paragraph 2 of General Assembly resolution 44/23. The tasks of WIPO in pursuit of those objectives include the development of measures designed to facilitate efficient protection of intellectual property, including the adoption and administration of treaties dealing with the filing of applications for patents and the registration of trade marks, industrial designs, and the adoption of treaties and model laws and principles for the harmonization of national legislation on those subjects and on copyright and neighbouring rights.
3. The activities which are planned for, or are currently being carried out during the first half of the Decade include the setting of norms with a view to the harmonization of patent laws and trade mark laws, the establishment of model provisions for legislation on copyright, the revision of the Paris Convention for the Protection of Industrial Property, the preparation of a possible protocol to the Berne Convention for the Protection of Literary and Artistic Works and intellectual property aspects of artificial intelligence.
4. Another of the activities is specifically concerned with one of the purposes referred to in paragraph 2 (b) of resolution 44/23, namely, the means and methods for the peaceful settlement of disputes between States. A committee of experts has been established to examine whether the preparation of a new treaty on the settlement of disputes between States in the field of intellectual property should start and, if so, with what content, with a view to eventually submitting for adoption the draft of such a treaty to a diplomatic conference.

AGENCY FOR THE PROHIBITION OF NUCLEAR WEAPONS IN
LATIN AMERICA AND THE CARIBBEAN

[Original: English]

[27 February 1990]

1. OPANAL, unfortunately, does not have a legal department to contribute to this important Decade with a working paper. None the less, it does consider that the purposes established in resolution 44/23 are of the utmost importance.
2. International peace through international law is the task of international bodies, hence, article 24 of the Treaty of Tlatelolco states: "Unless the Parties concerned agree on another mode of peaceful settlement, any question or dispute concerning the interpretation or application of this Treaty which is not settled shall be referred to the International Court of Justice with the prior consent of the Parties to the controversy." In its preamble, the Treaty expresses: "Desiring to contribute, so far as lies in their power, towards ending the armaments race, especially in the field of nuclear weapons, and towards strengthening a world at peace, based on the sovereign equality of States, mutual respect and good neighbourliness" ... "That the establishment of militarily denuclearized zones is closely linked with the maintenance of peace and security in the respective regions."
3. OPANAL thinks that within the possible elements for the Decade's programme it would be important to develop additional means for the promotion of peaceful settlement of international disputes by making the judgments of the International Court of Justice available in all United Nations official languages, adding in treaties articles providing for the compulsory jurisdiction of the Court, elaborating acceptable conditions for the recognition by States of the binding jurisdiction of the Court. Other activities should include drawing up an international convention on the peaceful settlement of disputes that would embody a full range of legal obligations from conflict prevention, direct negotiation, reporting to United Nations organs, third party adjudication and binding decision; the drafting of such an instrument could be undertaken by either an ad hoc committee or the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization.
4. OPANAL would like to point out that in the remaining Decade of the twentieth century, among the important anniversaries that will be celebrated, related to the adoption of international legal documents, the twenty-fifth anniversary of the opening for signature of the Treaty of Tlatelolco should be considered as one of the most important steps taken with regard to non-proliferation of nuclear weapons.
5. OPANAL would like to suggest that that opportunity be taken to declare the establishment of militarily denuclearized zones as one of the measures of confidence in international relations.
6. OPANAL welcomes the possibility of holding a third international peace conference or other suitable international conference.

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ASIAN-AFRICAN LEGAL CONSULTATIVE COMMITTEE (AALCC)

[Original: English]

[19 June 1990]

1. The Asian-African Legal Consultative Committee, a unique regional organization whose very raison d'être is the progressive development of international law and its codification, has always endeavoured to promote acceptance of and respect for the principles and norms of international law in the Asian-African region. The role which the Asian-African Legal Consultative Committee could play in the attainment and realization of the objectives of the Decade of International Law are set out in the following paragraphs.

2. In the course of the Decade, the Asian-African Legal Consultative Committee could, inter alia, urge its member States which have not already done so to consider ratifying or acceding to multilateral codification conventions. The AALCC secretariat would be glad to assist such member States of the AALCC as may lack the necessary expertise or professional human resource in this regard. Negotiations in the multilateral treaty-making process are a longdrawn affair and an instrument which codifies international law ought to be ratified as early as possible to bring a law-making convention into force without undue delay. This would ensure that the time, energy and labour, as well as other resources invested in its adoption are not wasted. In this regard, one may refer to such conventions as the United Nations Convention on the Law of the Sea and such other treaties and conventions whose draft articles have been drawn up by the International Law Commission over a period of years with the collaboration of the Sixth (Legal) Committee of the General Assembly of the United Nations.

3. A beginning, howsoever modest, could be made by urging member States to consider adopting at an early date the set of draft articles on the Status of the Diplomatic Courier and the Diplomatic Bag Not Accompanied by Diplomatic Courier, the second reading of which was completed by the International Law Commission in 1989 and which is under consideration by the Sixth Committee of the General Assembly.

4. In many jurisdictions, while a State may have ratified or acceded to a treaty, in the absence of a national, enabling legislation, the provisions of the international instrument can only be cited but cannot be invoked before the courts of that State. It is hoped that member States, while declaring their willingness to be bound by the provisions of an international instrument, would simultaneously take steps to ensure its enforcement as a part of the law of the land. This, it is felt, would help put an end to the time-long debate on the question of primacy of municipal law, vis-à-vis international law. While promoting acceptance of respect for the principles of international law (one of the main purposes of the Decade of International Law) all efforts should be made to ensure that such principles are effective and legally binding within the member States.

5. Member States of AALCC may wish to consider strengthening and fortifying the role of international law by abiding by the principle of pacta sunt servanda as incorporated in article 26 of the Vienna Convention on the Law of Treaties of 1969. The Vienna Convention, which has effectively codified customary international law, will celebrate its thirtieth anniversary in the course of this decade.
6. Member States of the AALCC may wish to consider instituting international law fellowships as part of the programme of technical co-operation among developing countries. The universities and institutions of higher learning of several member States are known to have academicians and other professional personnel well versed and experienced, and could institute and offer training programmes and scholarships to nationals of member States where such facilities are lacking or are inadequate. Some member States may also wish to consider providing material and financial resources for these academic courses. The institutions and sponsoring of such fellowships would supplement the endeavours of existing fellowship programmes in international law sponsored, inter alia, by the United Nations and UNITAR, the International Law Seminar Programme of the International Law Commission, the Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea, the Hague Academy of International Law and others.
7. Such member States as have a separate legal and treaties division, functioning either within the ministry of foreign affairs or the ministry of law, may also wish to consider providing in-house training to junior and medium ranking officials of fellow member States of AALCC who are in the process of developing and establishing such a division. This would be to the mutual advantage of both the trainee States and the trained personnel - not so much as individuals or in their individual capacities, but as legal advisers to their respective Governments.
8. The secretariat of AALCC proposes to undertake the publication of a yearbook which could be used as primary source for the activities of AALCC, its work programme, the subject items under consideration, etc., and which would list in a concise fashion the basic documents of the sessions of the Committee. This project would have several advantages which include, inter alia, the wider dissemination of international law from the perspective of AALCC and the promotion of the appreciation of the same.
9. Member States of the AALCC and the United Nations may also wish to consider contributing material and human resources to the training programme of the AALCC secretariat. The training programme of the Committee offers a unique opportunity to identify and understand the particular problems and issues of the Asian-African region, and to be acquainted, first hand, with the functioning of the secretariat, and some of the studies undertaken by the trainees have been used as working documents or briefs at the annual sessions of the Committee.
10. The United Nations, UNITAR and other specialized agencies of the United Nations system may wish to consider being affiliated with the AALCC secretariat's training programme. In-house training in the secretariat would place in sharp focus the problems and difficulties of the Afro-Asian region. It is felt that trainees would be better placed to appreciate the aspirations of the people of the two regions.

11. With respect to the specific purposes of the Decade, the secretariat of the Committee could, inter alia, co-operate with the United Nations and its specialized agencies in convening meetings in the Afro-Asian region on various international law themes. Such regional meetings could be held in joint collaboration with such bodies as UNCITRAL, UNHCR, UNCTAD, etc. The convening for Asian States in New Delhi in October 1989 of a meeting on trade law matters, jointly with UNCITRAL, is a case in point. A similar conference could be convened for the African States. Such regional meetings could contribute to the promotion of the acceptance and respect for the principles of international law. Such joint meetings in collaboration with other international institutions, such as UNEP, OAU and IMO, on the question of liability and compensation for damages arising from the transboundary movement of hazardous and toxic wastes and their disposal could be envisaged.

12. Also currently envisaged is a seminar on joint ventures in deep sea-bed mining, to be organized in co-operation with the International Ocean Institute, the Law of the Sea Institute, Hawaii, and the Netherlands Institute of the Law of the Sea.

13. The organization of such joint meetings and seminars would also contribute to the Decade in the study, dissemination and wider appreciation of international law.

14. On the question of the promotion and acceptance of and respect for the principles of international law, the AALCC secretariat, inter alia, expects to organize a seminar, conjointly with the office of the UNHCR in New Delhi, on the promotion of the ratification of the United Nations conventions on refugees.

15. On the question of the promotion of means and methods for the peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice, it should be emphasized that in recent times, in the changing political climate of the late 1980s, the Court has come to assume a significance hitherto unwitnessed. It is hoped that the near future could well witness a universal, virtually unqualified acceptance of the role that the Court could play in the pacific settlement of disputes.

16. In this regard, the AALCC secretariat endorses the view expressed at the forty-fourth session of the General Assembly that in the course of the Decade either the Special Committee on the Charter of the United Nations or an ad hoc committee could be entrusted with the task of drawing up an international convention on the peaceful settlement of disputes and that the proposed international instrument embody the full range of legal obligations from conflict prevention, direct negotiation, reporting to the United Nations organs, to third party adjudication and binding decisions.

17. The principle of peaceful settlement of disputes is a sine qua non for good and friendly neighbourly relations, and the Committee and its secretariat have been considering the elements of a legal instrument on good-neighbourly relations among countries of the Asian, African and Pacific regions.

18. The faith and confidence that several States have recently placed in the chief judicial organ of the United Nations are among the many positive pointers that the Court has a crucial and pivotal role to play in the changing texture of international relations and the intricate relations of the international society. The secretariat, therefore, deems it necessary to undertake a study on the promotion of the wider use of the International Court of Justice in the 1990s. The proposed study would supplement an earlier endeavour entitled "Role of the International Court of Justice" prepared by the secretariat of the Committee and circulated at the fortieth session of the General Assembly. The proposed study would endeavour to incorporate specific programmes and actions which, in the opinion of the secretariat of the AALCC, could promote the resort to and full respect for the Court.

19. The encouragement of the progressive development of international law and its codification is the very raison d'être of the Committee. In the realization of this purpose of the Decade the secretariat intends to intensify its co-operation programmes with such bodies and specialized agencies as ICJ, ILC, UNCITRAL, UNIDO, UNCTAD, UNHCR, IMO, UNEP, IAEA, UNITAR etc.

20. The AALCC secretariat has been actively associated with the efforts of OAU in drawing up the draft of an "African convention on the ban on importation of hazardous wastes into Africa and the control and management of all such wastes generated". It is proposed that in the course of the Decade international and regional organizations forge co-operative ties and work together in the course of the progressive development and codification of international law in all its fields and dimensions.

21. The secretariat also hopes to undertake a regular and vigorous programme with such other regional groups as OAU, LAS, OIC, ASEAN, and the South Asian Association for Regional Co-operation. Together with these regional bodies and the organs or agencies of the United Nations the AALCC secretariat could consider the progressive development and codification of international law. The secretariat's proposal to organize an expert group meeting together with IMO, UNEP and OAU to draw up a list of elements which could, perhaps, be included in a protocol on compensation for liability for damages arising from the transboundary movement of hazardous wastes and their disposal is a case in point.

COMMONWEALTH SECRETARIAT

[Original: English]

[24 April 1990]

1. First, the Commonwealth secretariat would stress the Commonwealth's collective commitment to a world governed by law and to the peaceful resolution of disputes between States. It is the belief of the secretariat that the greatest possible use should be made of the International Court of Justice, and the Commonwealth secretariat would be happy to co-operate in any joint endeavours to work to that end.

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2. Second, the Commonwealth secretariat would like to see a wider acceptance of existing international treaties on human rights in particular, and those to counter international terrorism (in respect of the latter we are engaged in a continuing process of producing "accession kits" on relevant treaties to facilitate adherence by Commonwealth countries). The secretariat shares the belief that a disregard for fundamental human rights lies at the heart of the refugee problem seemingly endemic in many parts of the world and that this constitutes a major challenge to the international community to remedy. Thus the question of measures remedial to the root causes of the refugee crisis is one worthy of inclusion in the programme for the Decade.

3. Related to this is the promotion of respect and acceptance of international law at the national level. Unfortunately, the experience of the Commonwealth secretariat is that judges and lawyers (certainly in Commonwealth countries and doubtless in others) are handicapped in playing a proper part in this activity by reason of a general unavailability of relevant texts and decisions of international tribunals. The secretariat believes that a significant input can be made, and should be made, towards a more general acceptance of international law and the standards it sets, through the domestic courts and the domestic legal systems. However, in discussions with judges and lawyers, the repeated request has been made that problems of availability of relevant material be addressed, especially in the area of human rights, and both treaties and case law.

4. The Commonwealth secretariat is aware, of course, of the strenuous efforts being made by various United Nations agencies in this regard, and implies no criticism when it observes that the information (at least insofar as the would-be end-users are concerned) is simply not getting through the various systems - a fault which may well lie at the domestic level. However, that there is a failure in present communications is, from our viewpoint, beyond argument and it is one which collectively both the United Nations and regional organizations might address.

5. Not only is this information required for the practice of law by advocates and judges, but it is also needed by law faculties and teachers.

6. The Commonwealth secretariat would also like to suggest that the timing of the Decade represents an opportunity to take stock of the achievements of the past and to work towards a fuller realization of them. Perhaps an audit of the ratification of treaties by individual States might be undertaken and published, with the announcement that a similar exercise will be undertaken at the end of the Decade to ascertain the extent to which individual countries have moved forward in the interim. This might be an encouragement at least for some countries to accord a higher priority for action in this area than otherwise might be the case.

7. However, the secretariat would caution that one reason for States failing to accede to treaties is a lack of available skilled professionals, and so to be effective a programme should, if possible, include elements of technical assistance for those States who wish to improve their own standing in these matters.

8. In conclusion, what the Commonwealth secretariat would suggest, with respect, is that to the greatest extent possible the programme for the Decade be targeted at

concrete action by States and relevant organizations and individuals rather than towards the preparation of studies (other than those with a clear focus for action, but including the strengthening of international mechanisms to ensure the observance of international obligations, including human rights) and of international get-togethers.

COUNCIL OF EUROPE

[Original: English]

[21 June 1990]

1. The Council of Europe welcomes the proclamation of a United Nations Decade of International Law from 1990 to 1999.
2. In order to promote the acceptance of and respect for the principles of international law, the Council of Europe considers that it would, in particular, be useful to concentrate on reviewing and strengthening existing standards.
3. The peaceful settlement of disputes is of growing importance in a world seeking to avoid the use of force and to resolve in an impartial way certain problems between States.
4. The Council of Europe considers that appropriate machinery for the peaceful settlement of disputes should be available to resolve differences and States should be encouraged to make use of this machinery (for example, negotiations, conciliation, inquiry, good offices, arbitration, judicial settlement, international organizations).
5. Greater emphasis should be placed on the "friendly" settlement of disputes in order to underline the need for disagreements to be discussed, not merely in a peaceful manner, but also in a friendly and constructive manner.
6. More frequent use could be made of the International Court of Justice, in particular, in order to promote the peaceful settlement of disputes. States should, wherever possible, withdraw any reservations to articles of treaties concerning the peaceful settlement of disputes.
7. In order to ensure the progressive development of international law and its codification topics should only be chosen for further examination if they can make a positive contribution to existing international law and achieve satisfactory results within a reasonable length of time. To ensure a real prospect of success these topics should be sufficiently supported by the various regional groups.
8. The Decade should underline the importance of teaching international law and should encourage the introduction of additional courses and the preparation of textbooks in this field.

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PERMANENT COURT OF ARBITRATION

[Original: English]

[21 June 1990]

1. The position of the Secretary-General of the Permanent Court of Arbitration, when requested to submit his views on the programme for the United Nations Decade of International Law and on appropriate action to be taken during this Decade, is rather ambiguous in the sense that the Permanent Court, while being a world-wide organization in the field of international law, is not an organ of the United Nations. The only link between the Permanent Court and the United Nations derives from articles 4 through 6 of the statute of the International Court of Justice, which entrust the "National Groups" of the Permanent Court of Arbitration with the task of nominating candidates for the election of members of the International Court of Justice.
2. Under these circumstances it is hardly surprising that neither General Assembly resolution 44/23 nor the views expressed by the States on the Decade of International Law pay much attention to the existence of the Permanent Court of Arbitration. The Court is mentioned only in the last preambular paragraph of the resolution referring to the First Hague Peace Conference held in 1899, whereby the Court was created.
3. This very fact, i.e. the forthcoming centennial anniversary of the Permanent Court at the end of the Decade, could serve as an incentive to focus the attention of all the Governments on the services which the Permanent Court, side by side with the International Court of Justice, can render for the peaceful settlement of international disputes by means of arbitration, conciliation and fact-finding.
4. In this connection it deserves to be mentioned that the International Court can deal only with disputes between States. The International Bureau of the Permanent Court, however, can place its organization at the disposal of arbitral tribunals or conciliation commissions in a dispute where only one of the parties is a State and the other party is not a State but a private person or a company. In 1962 the International Bureau of the Court established a model set of Rules for such cases.
5. Among the various views expressed by States quite rightly stresses the importance of practical ways and means to encourage willingness of States to use existing mechanisms for settling disputes. One of these mechanisms which should not be neglected is undoubtedly the Permanent Court of Arbitration with the various possibilities it has to offer for this purpose, including an "objective mechanism for fact-finding".
6. With regard to the suggestions to hold a third international peace conference and to draw up an international convention on the peaceful settlement of disputes at the end of the Decade, the Court is of the opinion that the year 1999 would indeed be an appropriate time for such undertakings since they would coincide with the celebration of the centenary of the First International Peace Conference held at The Hague in 1899.

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7. The Court feels that it does not fall within its competence to venture an opinion on the question if and to what extent the conclusion of a new convention for the pacific settlement of international disputes would entail a revision or replacement of the existing conventions of the same name concluded at The Hague in 1899 and 1907. This matter would have to be considered by the Contracting Powers of these Conventions.

INTERNATIONAL COURT OF JUSTICE

[Original: English/French]

[27 August 1990]

1. International law is increasingly destined by the will of States to govern new spheres of human activity involving international co-operation. At the same time, whereas the judicial settlement of international disputes has hitherto mostly been used to settle matters subject to the rules governing the coexistence of States, disputes relating to the law governing co-operation will tend to become more numerous. As a consequence of that development, such disputes will ever more frequently involve groups of States and international organizations as well as States individually. Hence it is normal that the Decade should, *inter alia*, enable an assessment to be made of the suitability of the machinery of the international legal order to deal with this evolving situation.

2. The Court cannot but applaud, therefore, an initiative which, in its breadth of vision, is endorsed by the consensus of all States Members of the United Nations. The Court likewise appreciates the place reserved for it among the proposed topics for the Decade. The interest thereby denoted is a sign that the functioning of the Court, along the lines laid down by its Statute, is essentially well suited to the tasks which States have allotted to it.

3. With regard to the contentious jurisdiction of the Court, it should be borne in mind that international justice rests upon the consent of States. It is a corollary of this basic fact that the path towards intensified use of the Court lies through increased acceptance of its compulsory jurisdiction. This in turn implies a need for a clearer perception of the Court's role, in the context of the other means of settling international disputes. The Court, as the principal judicial organ of the United Nations, is primarily entrusted with the settlement of the legal disputes referred to it by States, in accordance with the provisions of its Statute. This mode of settlement is the most appropriate in cases where a solution is being sought upon the basis of the application of international law. To that extent, there can be no doubt that prompt recourse to the Court may also constitute an effective means of preventing the aggravation of a dispute. The same may frequently be said of cases in which the dispute of a legal nature constitutes no more than one of several elements in a wider conflict.

4. There are different ways in which States may accept the jurisdiction of the International Court of Justice, and among which they may freely choose.

5. Article 36, paragraph 1, of the Statute, provides that "the jurisdiction of the Court comprises all cases which the parties refer to it". This provision principally relates to the bringing of a case by special agreement or, in other words, by an *ad hoc* agreement designed to refer a case, or a series of cases, to the Court. The special agreement implies a need for a minimum degree of understanding between the parties to a dispute, in actually taking joint action to come before the Court. Another hypothesis to be envisaged within the framework of that provision is that of the "*forum prorogatum*", which does not involve the express will of a State as manifested by a special agreement, but rather a

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willingness - most frequently that of the defendant State - that has come into being as a result of acts subsequent to the seisin of the Court.

6. Article 36, paragraph 1, of the Statute provides moreover that the jurisdiction of the Court comprises "all matters specially provided for in the Charter of the United Nations or in treaties and conventions in force". This is an extremely significant source of the Court's jurisdiction, insofar as hundreds of international instruments, both bilateral and multilateral, provide for its compulsory jurisdiction. A most welcome development has been the recent tendency to withdraw reservations to clauses in treaties that provide for the settlement of disputes by the Court. Such significant new instruments as the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 20 December 1988 have included provisions giving the Court jurisdiction to settle disputes.

7. It may also exercise its jurisdiction by virtue of a declaration of acceptance of its compulsory jurisdiction, under article 36, paragraph 2, of the Statute. Declarations of this kind have currently been made by 51 States, while other States have announced their intention of making such a declaration in the near future. The system of declarations under article 36, paragraph 2, of the Statute is aimed at making it possible for legal disputes, relating to the most diverse subjects, to be referred to the Court. Provided that such declarations are not accompanied by unduly extensive reservations, they constitute a dynamic tool that adapts itself ipso facto to an expanding corpus of legal rules.

8. The Statute thus makes available to States a choice of three ways in which their legal disputes can be referred to the Court. The Court notes with satisfaction that all three have proved to be useful in practice.

9. Moreover, the importance of the Court's advisory jurisdiction, which has enabled it to contribute to the solution of some weighty problems encountered by international organizations, by giving them opinions for which they have asked, should be recalled.

10. Recently, on a number of occasions, the Court has been called upon to deal with cases in which references were made to international instruments providing that the Court's advisory jurisdiction should play a part in dispute settlement between an international organization and a State. In the same way some texts of primordial significance, like the Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations, adopted on 21 March 1986, provide that on certain assumptions and under certain circumstances, disputes between States and international organizations, or between international organizations, may be referred to the Court for an advisory opinion. In most cases those instruments also indicate that the opinion rendered by the Court is to be accepted as final and binding by all the parties to the dispute. This procedure, which does not affect the juridical nature of the Court's advisory jurisdiction under the Statute, is none the less an important subject for reflection by the international community. Such provisions, which may gradually become generalized as the activities of international organizations expand to meet the needs of international co-operation, are aimed at overcoming the difficulty arising from the fact that it is impossible for international organizations to

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bring contentious cases before the Court with a view to settling any disputes to which they may be parties. It is accordingly as well to bear in mind that, in so far as the request for an advisory opinion may, in a particular case, be primarily aimed at achieving the settlement of a dispute, there are inherent limitations on the Court's advisory procedure.

11. More generally speaking, it is the Court's endeavour to live up to what States expect of the only judicial organ established at global level. As the Secretary-General recently recalled:

"The Court is the principal judicial organ of the United Nations. Its judgments represent the most authoritative pronouncement on international law. As follows from Article 36 (3) of the Charter, the Court is also the principal organ for resolving legal disputes between States ...". 1/

12. Seen from this viewpoint, the number of States and international organizations entitled to resort to the Court is not the only touchstone of its vocation for universality. It is true that the principal mission of the Court is to settle any dispute referred to it by a Judgment constituting a judicial decision which, under the Statute of the Court, is binding only on the parties to the dispute, as article 94, paragraph 1, of the Charter confirms in regard to Members of the United Nations. 2/ Yet the fact remains that, in performing this function, the Court, by its elucidation of the content of the rules of customary law, or by its interpretation of the rules of treaty law applicable in a given case, is frequently led to satisfy a more general need which transcends the direct effect of the decision upon the parties to the case. This is probably one of the reasons why States - as is evident from their adoption of General Assembly resolution 44/23 - take an undoubted interest in the case-law of the Court, whether or not they are directly concerned in the contentious and advisory cases with which the Court is called upon to deal. The object of that interest on the part of States is one peculiar to the Court - the development of a jurisprudence conducive to the clarification and strengthening of international law. This is, surely, one of the major benefits accruing to the members of the international community from the existence of the Court as a permanent judicial organ, whether in fields that have for a long time been governed by international law or in areas in which this has only recently come to be the case (i.e., protection of the environment, the protection of human rights, international economic law or the campaign against traffic in drugs).

13. The Court, faced with such responsibilities, bears constantly in mind the necessity of ensuring that its procedure is commensurate with the expectations of those States and international organizations who are entitled to resort to it. The Court has certain legal means at its disposal in order to meet such expectations. For example, it revised its Rules in both 1972 and 1978, and this enabled it, inter alia, to give a new impulse to the machinery of ad hoc chambers, of which four have so far been formed at the request of States parties to disputes.

14. Among the other topics suggested for the Decade, two are of particular interest to the Court, namely the objective of encouraging "the teaching, study, dissemination and wider appreciation of international law" and the prospect of

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"holding a third International Peace Conference or other suitable international conference at the end of the Decade".

15. With regard to the first of those topics, the Court would first recall the potential utility of having its decisions published in languages other than its own official languages (English and French), as this could play an essential part in making its case-law known to larger sectors of the world legal community and the general public. The Court has already had occasion to express its opinion in that regard, and to indicate the circumstances in which its judicial decisions could be published in that way. 3/ The Court is, moreover, ready to undertake the computerization of its jurisprudence, with a view to providing States, international organizations, lawyers and students with a means of easier access to the information that they need.

16. A second aspect of this topic which calls for some comment relates to the teaching of international law. The members of the Court are most anxious to stress the importance of the teaching of international law in the training of those concerned with international relations. International law is undergoing a considerable expansion, which will necessarily have an effect upon the daily lives of individuals and legal entities in every country. It is accordingly the more necessary to disseminate not only the substance of rules that may complement the laws enacted internally in States, but also general concepts regarding the functioning of the international legal order. One of the central objectives of the United Nations Decade of International Law should surely be to create in lawyers in all fields, and in all those whose professional activities are in any way linked to relations between States, an enhanced awareness of the scope of the rules of contemporary international law.

17. With regard to the question of an international conference to bring the Decade to a close, which might take the form of a third Hague conference, it would quite naturally fall to the participants in such a conference to determine, in the circumstances prevailing at the end of this century, how best to arrive at an enhancement of the means of peaceful settlement of international disputes, including the legal means to that end. If that conference were to be aimed at the development of a co-ordinated global system and the means by which it could be set in motion, there would obviously be a number of possible approaches. One could, for example, envisage the adoption of an innovative multilateral instrument which - unlike certain texts with a global or regional scope - would potentially establish between its parties a large-scale network of reciprocal undertakings to resort, under certain circumstances, to specific means of settlement, including recourse to the Court.

18. It goes without saying that the Court could collaborate, in appropriate ways, in the different activities arising from the Decade. It might for example be possible for some of its Members to be associated with the work that would undoubtedly have to be done as a result of any discussions paving the way for the conference mentioned in resolution 44/23.

Notes

1/ Terms of Reference, Guidelines and Rules of the Secretary-General's Trust Fund to assist States in the Settlement of Disputes through the International Court of Justice, para. 2.

2/ Article 94, paragraph 1, of the Charter is worded as follows:

"Each Member of the United Nations undertakes to comply with the decision of the International Court of Justice in any case to which it is a party."

3/ See in particular the note of the Secretary-General dated 23 October 1989, and distributed as document A/C.5/44/13.

INTERNATIONAL RESEARCH AND TRAINING INSTITUTE FOR THE
ADVANCEMENT OF WOMEN

[Original: English]

[23 February 1990]

1. Notwithstanding the fact that INSTRAW specializes in women in development issues, it strongly feels that international law has an evergrowing importance for the advancement of women and for more harmonious international economic relations.
2. INSTRAW is very much in favour of the proposal to hold a third international peace conference in order to bring widespread international attention to international law. We wish to suggest that such a conference be innovative and allow the widest world-wide participation possible. This could be also accomplished through the use of modern communication technology such as teleconferencing and multiple public events.
3. From the standpoint of INSTRAW field of work, it would suggest more public information materials to promote the United Nations instruments embodying the principles of political, economic and legal rights of women, including those put forth by specialized agencies such as the International Labour Organisation (ILO), the United Nations Educational, Scientific and Cultural Organization (UNESCO), and the World Health Organization (WHO).
4. This public information material could also include United Nations resolutions as well as the declarations, plans and programmes adopted during the United Nations Decade for Women. INSTRAW would also suggest further elaboration on the concept of equality between men and women including the evolution of economic rights as expressed in the right to work; equality of remuneration and provisions for maternity protection.
5. Most importantly, this information should include the United Nations Convention on the Elimination of All Forms of Discrimination Against Women with particular emphasis on the work of the Committee for the Elimination of Discrimination against Women.
6. A good example of such public information material is the kit on Women and Discrimination prepared by the United Nations Department of Public Information.
7. Communication programmes to promote conventions related to human rights, so relevant for women, as well as the principles of the Charter of the United Nations which pioneered in promoting equal rights of men and women within the framework of equitable development for all "... nations large and small ...".
8. The internship and fellowships programmes of the International Court of Justice could be strengthened and related training materials should include all international instruments relevant to both women and development.
9. INSTRAW has collaborated with the International Court of Justice on several occasions. Judge Bedjaoui was a member of the panel of experts which reviewed the

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INSTRAW publication Women in the World Economy and played a crucial role in securing proper reflection of the legal dimension in the book. Also through the good offices of the Court, INSTRAW was able to contribute a chapter on "Women's Rights in Public International Laws: A New Dimension in Development (1976-1985)" to a UNESCO Manual of Public International Law (publication forthcoming).

10. From the standpoint of its field of work, INSTRAW would suggest more emphasis on the new and emerging economic and legal norms concerning women's rights and the development process, on the development of international economic law with greater attention to such problems as debts, international trade barriers and protection of foreign investment which particularly affect women, especially in developing countries.

11. In addition, it would be particularly relevant to discuss the impact upon the population of a wider acceptance of existing treaties and the development of new international rules.

12. The main idea would be to include the concept of international law into the curricula taught outside law schools, for example, the Convention on the Elimination of All Forms of Discrimination Against Women would be integrated into all curricula and extra curricula teaching on development to prepare training materials (designed for specific target audiences following the lines of 'training the trainers') to secure a wider appreciation of international laws; in this case, INSTRAW is promoting the Convention on the Elimination of All Forms of Discrimination Against Women.

13. Appraisal studies should be conducted on: (a) the disposition of States to provide funding; (b) the commitment of non-governmental organizations and the utilization of volunteers such as law students; and (c) greater use of communication technologies and media.

UNITED NATIONS INSTITUTE FOR DISARMAMENT RESEARCH

[Original: French]

[21 June 1990]

1. UNIDIR wants first to organize, in association with one or more Geneva-based scientific institutions, a conference on the topic "International law and disarmament". The conference would bring together jurists, diplomats and disarmament experts from different countries, as well as members of the International Law Commission, and would endeavour, from a juridical perspective, to analyse disarmament problems and the solutions which have been found or might be contemplated. It would be wide-ranging in terms of its topics and exploratory in terms of its general goals, thereby making it possible to isolate and define the various specific problems on which more detailed subsequent research might be undertaken. It would take place in the first part of 1991.

2. UNIDIR then intends to conduct research on United Nations peace-keeping operations and specifically on the new conditions under which they might be

designed, organized and carried out. The problem has a legal dimension (bases of operations, co-operation with the countries concerned, implementation procedures) and these will be the focus of the research. The project must also be discussed with the Office for Special Political Affairs in the Offices of the Secretary-General.

3. UNIDIR also wants to do research on the contribution of unilateral measures and commitments in the area of disarmament and arms limitation. The role of such measures is often underestimated, particularly compared with treaties and other agreements. It will be interesting to analyse their conditions of existence, scope and role as preparatory elements, for example, for negotiation or a treaty, or as a substitute for a treaty commitment.

4. These are only a few of the topics that indicate the desire of UNIDIR to develop its interest in the relationship between international law, disarmament and security. UNIDIR would also be a logical participant in the international peace conference to be held at the end of the Decade.

INTERNATIONAL LAW COMMISSION 1/

The Commission welcomes resolution 44/23 of the General Assembly which declared the period 1990 to 1999 as the United Nations Decade of International Law. As stated in that resolution, one of the main purposes of the Decade is to encourage the progressive development and codification of international law. Under article 1 of its statute, the Commission was established for "the promotion of the progressive development of international law and its codification". The Commission considers that it would be an essential contribution to the Decade if it could finalize work on the topics presently on its agenda. The Commission further considers that a particularly appropriate contribution to the basic purposes of the Decade and the strengthening of the rule of law in international relations would be the preparation by the Commission of a draft statute for an international criminal court, if the General Assembly so decides. 2/

Notes

1/ Reproduced from the report of the International Law Commission on the work of its forty-second session, Official Records of the General Assembly, Forty-fifth Session, Supplement No. 10 (A/45/10), para. 549.

2/ It should also be noted that the progress report of the Working Group established by the Commission to consider its long-term programme of work, as reproduced in the latest report of the Commission, contains the following statement:

"... it was agreed that any recommendation to the General Assembly on the Commission's long-term programme of work should also take into account the objectives of the Decade of International Law recently declared by the General Assembly under resolution 44/23 of 17 November 1989, among which figured prominently the encouragement of the progressive development of international law and its codification. The Commission, as the main organ created by the Assembly for the codification and progressive development of international law, should play an active role in the fulfilment of the Decade's objectives. However, before formulating recommendations to the General Assembly, it was considered indispensable to examine the views of Member States, appropriate international bodies and non-governmental organizations requested under paragraph 3 of the above-mentioned resolution and, in particular, the conclusions of the working group of the Sixth Committee which the Assembly had decided to establish at its forty-fifth session under paragraph 4 of said resolution, with a view to preparing generally acceptable recommendations for the Decade." (*Ibid.*, footnote 325, para. 8)

PREPARATORY COMMISSION FOR THE INTERNATIONAL SEA-BED AUTHORITY AND
FOR THE INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA

[Original: English]

[28 June 1990]

1. In preparing for the United Nations Decade of International Law, the General Assembly should take particular note of the fact that the law of the sea, as contained in the United Nations Convention on the Law of the Sea, constitutes one of the most important parts of international law in terms of its coverage in space and subject areas, its relevance to all mankind, the crucial interests shared by all the States in the world, the new institutions to be established and concepts which have been rapidly accepted universally. It may be recalled that the Assembly has recognized that "the Convention encompasses all uses and resources of the sea and that all related activities within the United Nations system need to be implemented in a manner consistent with it" (resolution 44/26, preamble). The Assembly has further requested the Secretary-General to take into account, in planning for activities for the period 1992-1997, the prospective entry into force of the Convention and the increased needs of States for assistance in the implementation of the Convention (*ibid.*, para. 9).

2. With this background, the following comments are divided into four sections dealing with each of the four "main purposes of the Decade", as enumerated in paragraph 2 of resolution 44/23, with special emphasis on the law of the sea.

A. Promotion of acceptance of and respect for the principles
of international law

3. The General Assembly is fully aware of the increased needs of States for assistance in the implementation of the United Nations Convention on the Law of the Sea. It has also noted the increasing needs of States for assistance in their developmental process for the full realization of the benefits of the comprehensive legal régime established by the Convention (*ibid.*, preamble), and requested the Secretary-General to suggest methods and mechanisms for maximizing opportunities for the early realization for all States of such benefits during the decade of 1990-1999 (*ibid.*, para. 13).

4. The provision by the secretariat of information, advice and assistance to States, especially developing States, in particular on the development of ocean policy and in preparing national legislation consistent with the Convention, is a useful means for promoting acceptance of the principles and rules of international law. This is particularly so in the case of the Convention on the Law of the Sea, which extensively covers all ocean-related activities and has far-reaching effects on the jurisdiction and other aspects of the constitution of States.

5. It is also important to promote global, regional and bilateral co-operation with a view to implementing the Convention. The Secretariat support and assistance in these efforts should also be stressed.

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6. It is therefore desirable that during the Decade the Office for Ocean Affairs and the Law of the Sea should strengthen and expand its activities of providing information, advice and assistance to States in the field of the law of the sea, including the training of career officials in relevant branches of Governments that are directly responsible for implementing the Convention.

B. Promotion of means and methods of the peaceful settlement of disputes between States

7. The fundamental principle of the peaceful settlement of international disputes as enshrined in the Charter (Articles 2 and 33) has been embodied in the United Nations Convention on the Law of the Sea. The Convention provides a clear example of the practical implementation of this Charter principle essential to the maintenance of international peace and security, particularly through resort to third party procedures.

8. The Convention on the Law of the Sea establishes various means and methods of settling disputes under a comprehensive system. In particular it requires, as a rule, the compulsory and binding third-party settlement, including the resort to the International Court of Justice, the International Tribunal for the Law of the Sea, and arbitration. While the importance of the International Court of Justice is obvious, it may be pointed out that, particularly in the field of the law of the sea, arbitration has proved to be an equally useful and effective means. It should also be noted that the Convention provides for compulsory conciliation procedures.

9. In order to promote and facilitate the implementation of the Convention on the Law of the Sea, a practical guide should be prepared by the Secretariat on its comprehensive and specialized dispute settlement procedures.

C. Encouragement of the progressive development of international law and its codification

10. The Convention is itself a product of progressive development and codification of international law. It provides a framework for further development in rules and regulations in specialized areas of ocean-related activities. They continue to be developed, especially under the auspices of specialized agencies and other bodies of the United Nations with sectoral competence. In order to ensure the consistent implementation of the Convention, as called for by the Assembly (resolution 44/26), and to avoid duplication of their work, it is necessary to promote close co-operation among those bodies.

11. With respect to the process of treaty making, the present practices, which often permit the adoption of texts not legally sound or consistent, should be reviewed with a view to improving the technique of drafting legal texts.

D. Encouragement of the teaching, study, dissemination and wider appreciation of international law

12. International law has been normally considered by the general public as something irrelevant to their life. In order to promote the wider dissemination and appreciation of international law, and in particular the law of the sea, education must permeate to the public at large. More promotional materials should be prepared on various subject-areas of international law, including the law of the sea, and translated into as many languages as possible. More use should also be made of mass media, especially television and videos.

13. The increased interest by Governments and others in the Hamilton Shirley Amerasinghe Memorial Fellowship on the law of the sea should be responded to and the Fellowship programmes should be strengthened and more widely publicized.

14. The training materials in the law of the sea field should be prepared for use by academic and training institutions.

UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE LAW 1/

1. The Commission noted that the General Assembly, in its resolution 44/23 of 17 November 1989, had declared the period 1990-1999 as the United Nations Decade of International Law. In that resolution, the General Assembly had requested the Secretary-General to seek the views of appropriate international bodies on the programme for the Decade and on appropriate action to be taken during the Decade. The Commission had before it a note by the Secretariat which brought the resolution to the attention of the Commission (A/CN.9/338).
2. The Commission observed that the programme for the Decade should take account of the fact that international trade law was an important and integral part of international law; in particular, the Commission's work was an important element in strengthening the rule of law in international economic relations.
3. The discussion in the Commission concentrated on how the Commission itself might take the occasion of the Decade to further strengthen and develop its programme of work. Several types of activities were identified in the discussion as being particularly appropriate for inclusion in the programme for the Decade. One activity was to strengthen the teaching, study, dissemination and wider appreciation of the law of international trade. Another activity was the promotion of acceptance of legal texts emanating from the work of the Commission and from the work of other intergovernmental and non-governmental organizations active in the area of international trade law. The observation was made that in respect of international law in general, and international trade law in particular, the wider adoption and effective implementation of existing texts was often of greater value than was the elaboration of new texts. The Commission noted that its activities in respect of the teaching, study, dissemination and wider appreciation of international trade law, with the associated promotion of the adoption and use of existing texts, had been more limited than was desirable because of the limited resources that had been available for them.
4. The Commission noted that the suggested activities relating to the teaching, study, dissemination, wider appreciation and promotion of international trade law would have their impact in all regions, but that they would be of greatest significance in developing countries. In the same spirit, a suggestion was made that an attempt should be made to find a way to finance the travel of experts from developing countries, and especially from States members of the Commission, to the sessions of the Commission and its working groups so that those States would be in a better position to contribute actively to the creation of international trade law.
5. In respect of the future activities of the Commission in the preparation of legal texts, it was suggested that the Commission could contribute to the Decade by undertaking work on a subject that was of underlying fundamental significance for the further development of the law of international trade, such as the formulation of general principles of contract law or of general principles in particular areas of international trade law. It was also suggested that the Secretariat might review the proposals made in past years for the programme of work that had not been acted upon, as well as subjects on which work had begun but had been terminated prior to the adoption of a legal text, to determine whether some of those items

might now be appropriate for the current programme of work. Under one suggestion the Secretariat would be requested to prepare a proposed programme of work for the Commission for the period of the Decade. Furthermore, it was suggested that the preparatory work by the Secretariat relating to the Decade should address the question of the harmonization between the universal and the regional codification of international trade law. It was proposed that one plenary session of the Commission should be dedicated to a review of developments in the field of international trade law from 1980 onward.

Notes

1/ Reproduced from the report of the United Nations Commission on International Trade Law on the work of its twenty-third session, Official Records of the General Assembly, Forty-fifth Session, Supplement No. 17 (A/45/17), paras. 70-74.

INTERNATIONAL COMMISSION OF JURISTS

[Original: English]

[10 May 1990]

The suggestions of the International Commission of Jurists are as follows:

- (a) The creation of a universal court and of regional courts of human rights (quite separate from the present world court);
- (b) Support for ratification of the protocol to the International Covenant on Civil and Political Rights;
- (c) Penal law: how to finance improvement in the conditions of detention and the reinsertion into society of convicted prisoners;
- (d) Family law: protection of the child;
- (e) Civil law: guarantee of housing;
- (f) Commercial law: protection of the consumer;
- (g) Administrative law: protection and international aid against major natural or industrial catastrophes.

[13 June 1990]

A further suggestion of the International Commission of Jurists is that an appropriate action during the decade of international law would be a conference on the jurisdiction and functioning of the International Court of Justice, with a view to making its jurisdiction obligatory, as far as possible, in certain fields of international law.

INTERNATIONAL COMMITTEE OF THE RED CROSS

[Original: French]

[6 July 1990]

1. At the current stage it is mainly a matter of setting out a number of ideas, for further development once the concept of the Decade and its programme are better known. The ICRC takes a keen interest in the objectives of the Decade and wishes to contribute to the success of the Decade.
2. The ICRC is interested in the Decade because it is convinced of the need to ensure the primacy of law in international relations. It fully endorses the four main objectives of the Decade. The attainment of each objective would have a favourable impact on the protection of victims of armed conflicts and even

facilitate the elimination of some conflicts. The ICRC is willing to make a contribution to this undertaking.

3. Attention is drawn to the forthcoming International Conference of the Red Cross and the Red Crescent to be held in 1991. Although the International Conference will be focused on issues relating to international humanitarian law, by promoting law and its dissemination and by advocating scrupulous observance of the law the Conference should make a specific contribution to the attainment of the objectives of the Decade. The same should apply in the case of the other International Conferences that will be held in the course of the Decade, since in principle such conferences are held every four years.

4. The following are a number of more detailed remarks on the four objectives of the Decade, first of all referring to the corresponding ICRC activity and then making a number of practical suggestions.

A. Promote acceptance of and respect for the principles of international law

5. Through its delegates' daily activities in armed conflicts, the ICRC contributes to enhanced observance of international humanitarian law, with a view to preventing violations of humanitarian norms and mitigating the suffering of war victims. It also actively encourages States to ratify humanitarian conventions, particularly the 1977 Additional Protocols to the Geneva Conventions. The results achieved justify this commitment, but the objective is never fully attained.

6. It would be appropriate to consider in greater depth the place of international law in the international community and its role in international relations. What do States expect of international law? How do they use it? What impact does it have on their decisions? What steps are they taking to encourage the teaching of international law at universities?

7. The debate could be focused on ways of strengthening the role of international law and on means of drawing the attention of States to the need to fulfil their international commitments. In particular, the obligation to "ensure respect" of the Geneva Conventions by the parties to a conflict (article 1 of each of the four Conventions of 1949) needs to be better known by States.

8. Attention could also be drawn to the importance of the steps that should be taken at the national level to facilitate the attainment of the objectives of international treaties. That issue could be considered in greater depth, and procedures more conducive to the fulfilment by States of that essential obligation could be proposed.

9. Lastly, the Decade could give rise to initiatives consisting in appeals to States to ratify major treaties whose level of acceptance remains unsatisfactory.

10. Arranging regional seminars in which such issues would be discussed would probably be an effective way of making progress in the consideration of such matters.

B. To promote means and methods for the peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice

11. The ICRC welcomes all efforts to strengthen means of facilitating the peaceful settlement of disputes, including resort to the International Court of Justice. Owing to its presence in conflicts, the ICRC is fully aware of the humanitarian tragedies that the conflicts represent. It believes that its action to promote respect for international humanitarian law is also a contribution even although only a modest one, perhaps, to the endeavour to settle conflicts.

C. To encourage the progressive development of international law and its codification

12. The international community gave the ICRC the mandate of preparing the way for any development of international humanitarian law. The ICRC has played such a role for more than 125 years, namely, since the negotiation of the Geneva Convention of 22 August 1864. It is ready to take any further initiative that may be called for.

13. At the current stage, however, the ICRC believes that priority should be given to strengthening respect for existing law.

D. To encourage the teaching, study, dissemination and wider appreciation of international law

14. The ICRC believes that the dissemination of international law is of the utmost importance. Knowledge and understanding of law among the individuals who must respect the law are prerequisites for enhanced respect of international obligations. That is especially true in the case of international humanitarian law, respect for which depends in particular on the education of each combatant. The ICRC therefore attaches great importance to the dissemination of such law, particularly among the members of armed forces. In addition to action taken in the event of armed conflicts, the ICRC seeks to alert Governments to the importance of dissemination in peace time, for example by holding seminars for diplomats and international civil servants posted in New York and Geneva.

15. The ICRC wishes to share its experience with other organizations, which could be done within the framework of the Decade. It is also interested in discussing the dissemination of humanitarian law at meetings to promote related subjects, such as human rights or refugee law. It therefore believes that the proposal to convene a world conference on human rights (General Assembly resolution 44/156 of 15 December 1989) would be considered within the framework of the Decade.

16. At the current stage the ICRC is not really able to put forward specific proposals as to what form the programme for the Decade should take. However, having considered the question of whether a particular field (for example, human rights or humanitarian law) should be assigned to each year of the Decade or whether it would be preferable to focus on issues or topics, the ICRC would prefer the second alternative. However, it believes that in any event an initial phase

should be set aside for consideration of the role of international law in international relations in order to elucidate the foundation for any future consideration and action.

INTER-PARLIAMENTARY UNION

[Original: English]

[7 August 1990]

1. The Inter-Parliamentary Union has been active for over a century in promoting the principles of international law, and it welcomes the decision of the General Assembly to launch a decade-long programme in their defense.

2. Instrumental in helping to establish what is now the Permanent Court of Arbitration in The Hague, the Union over the years has brought together thousands of parliamentarians around every theme of international concern in a constantly renewed effort to advance the cause of peace through law. Through its debate and resolutions and the follow-up action of its members, the IPU contributes to the elaboration of international legal principles and to the promotion of existing international legal instruments. The IPU has also launched numerous appeals to member-Parliaments urging adhesion, on a case by case basis, to various existing international legal instruments and will undoubtedly be called upon to do so repeatedly in the future.

3. Should the United Nations envisage, on the basis of an analysis of the state of ratification of all instruments forming the corpus of international law, to launch a campaign to promote more universal adhesion to these fundamental instruments, the IPU would be happy to co-operate by bringing, in the first instance, the relevant information to the attention of lawmakers everywhere.

WORLD ASSOCIATION FOR WORLD FEDERATION

[Original: English]

[6 July 1990]

1. The General Assembly has declared the period 1990-1999 the United Nations Decade of International Law. The resolution, adopted by consensus, aims to promote acceptance and respect for international law and the International Court of Justice, and to encourage the further development and codification of international law.

2. Few people or Governments would hold that the present international legal order is adequate to today's needs, far less to the challenges of the future. But in the past, Governments seldom made the strengthening of the international legal order a policy priority. Since the Second World War, the international legal system - by which is meant not the body of international law as such, but the institutions and modalities by which law is made, adjudicated and enforced - has

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hardly changed; its improvement was rarely treated as a political cause. States have not issued even the eloquent declarations of intent, attesting to their common hopes for its evolution, as they have in the case of, for example, their hopes for systematic progress towards disarmament.

3. The adoption of the Decade signifies that this has begun to change. There is a new, growing conviction among States that in a highly interdependent world, everyone's interests are best served by a more principled and orderly international system based on law. Governments and their citizens are beginning to recognize that the development of the international legal system, as a system, must become an object of politically purposeful action.

4. There is a growing realization that an effective legal system is fundamental to the kind of governance in the international sphere that could enable humanity to regain control of its destiny. It is essential to peace and security, and could provide the basis for just solutions to innumerable, complex and urgent other global problems.

5. As such, it has vast potential to save countless lives and many billions of dollars. A relatively small investment of political effort and financial resources to improve the international legal system could yield very high returns for all States in the protection of the environment, the promotion of human rights, and in enabling common international action for the kind of economic and social development needed to end mass poverty and enable the stabilization of the world's population. Law is a tool, a medium, for political solutions to problems of social organization. It is as relevant internationally as in national communities.

6. The Decade is a fresh opportunity, a new context, for States and their citizens to think creatively about the requirements of the future legal order. For the potential of the Decade to be realized, however, Governments must choose to use it boldly and with determination.

Emerging consensus about the need to strengthen international law

7. The growing consensus that international law should be strengthened as the basis of international life is reflected in a number of significant events during the past few years including:

(a) The acceptance by the Soviet Union of the compulsory jurisdiction of the International Court of Justice in disputes over certain human rights conventions;

(b) The acceptance of the compulsory jurisdiction of the Court by additional countries, including Cyprus, Guinea-Bissau, Nauru and Zaire and the announcement by Spain and Poland of intentions to do so;

(c) Acceptance by Hungary and Poland of jurisdiction of the Court over disputes under various multilateral conventions;

(d) The first United States-Soviet Union joint resolution of the General Assembly (resolution 44/21 of 15 November 1989) which called on Member States to

co-operate to "strengthen the principles and the system of international peace, security and international co-operation laid down in the Charter" of the United Nations;

(e) The Soviet Union and the United States adding to their agenda for the first time negotiations concerning terms for mutual recognition of the Court in certain cases;

(f) The creation by the United Nations of a trust fund for the Court to help poorer countries pay for litigation;

(g) The Non-Aligned Movement's historic decision to propose a United Nations Decade of International Law and the General Assembly's adoption of the resolution;

(h) The Hague Declaration on protection of the atmosphere (A/44/340-E/1989/120, annex), signed initially by 24 Heads of State and Government, which calls for new United Nations institutional authority on the environment with binding majority decision-making, and decisions enforceable through the Court;

(i) A revival of interest on the part of some countries in the idea of establishing an international criminal court;

(j) The report of the Brundtland Commission (A/42/427, annex), which noted the need for agreed, equitable and enforceable rules, and, importantly, the necessity for international taxation, something which in itself implies a need for an effective and democratic international legal system;

(k) The final report of the Palme Commission on Disarmament and Security Issues (A/CN.10/38), which resoundingly affirmed that the rule of international law and the strengthening of the United Nations are key pillars of common security;

(l) Adoption by the General Assembly without a vote of an International Convention against the Recruitment, Use, Financing and Training of Mercenaries (resolution 44/34, annex).

8. These events are indicative of the extent of the shift in attitude towards international order. The world cultural and political matrix in the late twentieth century has become fostering and supportive of a shift away from national unilateralism and isolation in favour of international co-operation, commitment and integration. This is a basis for optimism and encouragement for those contemplating more ambitious approaches to these questions for the future.

Components of a future world legal system

9. An effective legal system has four components: law making, law implementation, law adjudication and law enforcement. In seeking to strengthen and reform the world legal order, the four must be considered together, as an integrated system, for two reasons:

(a) Reforms in only one area may be insufficient, unworkable, and undesirable. For example, the willingness of countries to submit to the general

jurisdiction of the International Court of Justice is conditioned by their confidence in the body of international law the Court may use, and in the process by which future laws will be established. But, for an advanced body of law to be developed, it may need to be understood to be universally binding, and be premised on the widespread willingness of States to accept the judgement of courts and arbitration tribunals, including enforcement procedures for ensuring compliance;

(b) Any proposal for incremental reform of one particular aspect of the system stands the risk of being perceived to be more advantageous for some countries than for others. Reforms are, therefore, more likely to succeed if they are negotiated as packages, so that specific reforms which may seem disadvantageous to some States are offset by more advantageous reforms in other areas, until a total package emerges by which all countries perceive themselves, on balance, to gain by the agreement.

10. The international legal system can best be reformed through a comprehensive approach which considers the whole system and brings co-ordinated changes to all of its interacting components. This in turn requires a broadly mandated and inclusive forum for the negotiation process.

11. A primary objective for the Sixth Committee in framing a programme of activities for the Decade should be to devise and launch a process of political negotiations, comprehensive in character and scope, directed at achieving appropriate international instruments for the reform of the international legal system in all its aspects.

12. The following discussion of the four principal components of a legal system is meant to be suggestive of the kinds of broader issues around which the Decade of International Law could usefully stimulate discussion and seek solutions:

Law-making

13. The present system of making international law is inadequate and far too slow to meet the needs of rapid change in the modern, interdependent world.

14. A great limitation of the present system is that laws contained in treaties apply only to countries which sign them, even when those treaties are supported by an overwhelming majority of States. This gives rise to a highly fragmented, uneven régime of international law as States sign some treaties and not others. It also places sharp limits on the kinds of treaties that can be negotiated. The inability of present methods to assure universal participation can result in small minorities - sometimes a single country - holding a treaty hostage, or undermining the will to proceed with it. This produces the "lowest common denominator" effect as negotiators bid to get the widest voluntary participation. The world, as a result, does not get the agreements it needs, only those the system allows.

15. Ultimately what is needed is a process for majority law-making whereby law that achieves ratification by a certain qualified majority of States becomes binding on all. It is not necessary to make the General Assembly into a legislature. The "legislature" in this case would be the treaty ratification process, involving the parliaments of States. It is also worth observing that such

- a system need not await the participation of all States. It could be initiated by a smaller group of States, fully consistent with the Charter.
16. A legislative process would rightly mean acceptance of a compromise of the principle of absolute national sovereignty and a partial pooling of sovereignty at the international level. Whatever may be the practical difficulties of achieving this goal soon, nothing prevents States from working towards an early agreement on the validity of the principles involved.
17. If limited to certain clearly defined areas of international jurisdiction, with appropriate checks and balances to protect States from undue interference in their internal affairs, such a legislative process would be federal in character.
18. In defining what would constitute the required majority of States for passing a treaty into general law, the criteria should not be just the number of countries, but also whether they represent the majority of the world's people.
19. A second problem with the present system of forming and adopting international law is that it excludes any direct participation by citizens. The consequences of this are far-reaching and devastating. It severs the whole realm of international law from the public which must ultimately support it. It fails to encourage a sense of global responsibility or cohesiveness: rather, it militates against citizens supporting needed compromises in the global interest. It fails to invite and foster the creativity and imagination of those outside government in the achievement of international agreements on the most pressing problems of our age; rather it fosters a passive attitude of leaving it up to Governments to solve global problems.
20. The threats to the planet today are unprecedented in scope and complexity. With the interrelationship of local and global systems, both economic and ecological, the solutions to many problems lie in the day-to-day choices made by individuals. To meet the challenges ahead it is imperative that the will and commitment of all the world's people be mobilized to act for the global good and the security of future generations. Such an ethic of individual responsibility carries with it a need and a right to be directly represented in global decision-making - which is to say, law-making.
21. International law-making would benefit immensely through the formation of a direct, institutionalized link between the United Nations, as the drafting body of innumerable conventions, and the world's citizens. For this purpose, consideration should be given to a United Nations parliamentary assembly on the model of the early European Parliament. This body might begin as a consultative body of the General Assembly. Its members could be appointed by national parliaments in those countries where parliaments exist.
22. As quasi-parliamentarians, whose role it would be to represent their "constituents" as members of a global society, they would bring a qualitatively different point of view and a new source of ideas and inspiration to the United Nations, and serve as an additional conduit between the United Nations and the "peoples" of its Charter. This could not only enrich the proceedings at the United Nations and the quality of its resolutions and conventions, it would also

facilitate the treaty ratification process discussed above through the links between the United Nations parliamentary assembly and national parliaments. Most importantly, it would give substance to the core idea of a democratic global society and the United Nations as the pre-eminent institution of governance of that society.

Law implementation

23. International law consists of more than obligations to be acted upon by States. Some international law requires action on the part of the international civil service, particularly the United Nations Secretariat for its implementation. The law in this case can only be as sophisticated as the civil service structure entrusted to implement it.

24. An important area of work for the future development of international law is, therefore, the strengthening of the United Nations Secretariat as the "executive" branch of the legal system, charged with implementing and upholding law in certain areas. An expanded international civil service could provide a variety of services in such areas as environmental protection; technological, financial and other assistance to developing countries; and the promotion of human rights. It must be accepted that financing such services would likely require a system of international taxation as a substitute for the present system of direct assessments which have proven meager, unreliable and open to political manipulation.

25. In addition, there must be greater authority and responsibility vested in the United Nations Secretariat in fact-finding, verification and compliance related to United Nations conventions; as well as, perhaps, the prosecution of certain categories of offenders under existing international law, especially the customary laws of war. Entrusting the Secretariat to exercise such powers may require its restructuring to ensure continued accountability.

Law adjudication

26. A primary objective of the Decade should be to work towards the wider acceptance of the compulsory jurisdiction of the International Court of Justice, both under the Court's statutes and in protocols to the many international treaties and conventions that provide for the Court to settle disputes. The peaceful settlement of disputes through the Court was the original impetus for the Decade of International Law within the Non-Aligned Movement.

27. The Decade would be an appropriate framework within which to review, in a multilateral context, the agreements being negotiated by the United States, the Soviet Union and the other permanent members of the Security Council on mutual recognition of the International Court of Justice. These negotiations, while welcome as an indication of renewed interest in the Court, nevertheless raise issues which should rightfully be discussed by the whole international community. The emerging agreement - to accept the binding judgement of the Court in the case of disputes arising out of several specific treaties - aims at increasing the use of the Court, but seeks to do this by defining a narrow and more qualified approach to the Court which if adopted by all States might result in a decrease of the Court's scope and relevance.

28. This initiative by the Soviet Union and the United States is precisely the kind of agreement which should be made the subject of multilateral negotiation within the framework of the Decade. Certainly the programme of activities of the Decade should not be conceived in a way which would leave outside of its purview a development so intrinsic to its mandate.

29. In addition to strengthening the Court, Governments could consider the establishment of an additional tribunal, an international court of human rights. Such a court would help secure human rights by enabling individuals to appeal actions of national Governments. It would serve to reinforce at the international level recent but fragile gains made in human rights and democracy in many countries. It could be voluntary in the manner of the Court, which would make it more acceptable. Governments, by accepting this court, would deepen the basis of international confidence and amity. The positive experience of the European Court of Human Rights is again a precedent.

Law enforcement

30. In general, as States become more interdependent in such areas as trade, transportation, commerce and protection of the environment, law among Governments tends to become self-enforcing, as long as there are adequate means for verification and the settlement of disputes. Governments, fearing bilateral retaliation, and concerned about their credibility in future negotiations, find it in their interest to fulfil commitments made in treaties.

31. Ultimately, however, inspection and enforcement mechanisms are a requirement of any legal system. More effective mechanisms will need to be developed as part of the international system if more complex and evolved international law is to be achieved. This is not only because treaties may fail without enforcement, but because without some means to monitor and, if necessary, compel compliance, useful treaties on a wide range of subjects will simply never be negotiated in the first place.

32. The international legal system provides few collective means of enforcement of international law, and those means that do exist have become problematic and are in disuse. The enforcement of international law through collective military action against States, as provided by Chapter VII of the United Nations Charter, is not in its present form a useable provision in any but the most extreme cases of aggression, and then only against non-nuclear Powers.

33. Enforcement sanctions, to be just and politically acceptable, must be economical and precise. They should not be applied to a whole country (as would the provisions of Chapter VII) but selectively to the individuals in authority responsible for the offensive conduct of a State. An effective instrument for this would be an international criminal court, together with procedures for indicting and bringing to trial government officials, including heads of Government. This principle has already been established at the Nuremberg and Tokyo trials after the Second World War.

34. The creation of an international criminal court has languished on the agenda of the International Law Commission for decades. It should be given the political

impetus it deserves by being featured as a goal of the Decade of International Law. In keeping with such a goal is completion of a code of crimes against the peace and security of mankind.

35. An international criminal court would additionally be useful for other categories of international crimes by individuals engaged in terrorism, piracy, hijacking, and international drug trafficking. It would be useful in the prosecution of individuals who attack United Nations peace-keeping soldiers or other United Nations staff. The trying of such individuals within national jurisdiction is clearly inadequate in logic and practice. Prosecution is all too often governed more by politics than law, which results in uneven treatment and can lead to cynicism and further disrespect for the law. Moreover, it often brings Governments into needless conflict with each other.

36. Another important aspect of an effective legal system is the creation of a mechanism for the automatic commencement of international legal proceedings against States and individuals in serious violation of international law. Experience has shown that even in the case of serious crimes under international law, individual States have been unwilling to assume the responsibility of bringing charges in the International Court of Justice. A mechanism, corresponding in function to an attorney general, is necessary to bring charges on behalf of the world community, especially in cases where there is no clear single victim, as for instance with certain kinds of pollution. Such an institutional mechanism would protect the integrity of an international law as a whole, and prevent it from being arbitrary and selectively enforced.

Framing the long-term goal

37. The most important function of the Decade of International Law is to raise the political will for the reform of the international legal system. The consensus must be deepened that the evolution of the international legal system is a rightful and necessary focus of political effort, something to be imbued with urgency on the grounds that it is the key to so much else.

38. If the evolution of the international legal system is to be pursued with determination as more than a series of half-hearted half-measures, it will be important for Governments to succeed in articulating a shared, long-term, political vision of a new international legal order. Such a vision is essential to any long-term political process of system change. It can serve as a compass to give purpose and direction to government and public efforts, and help identify opportunities.

39. A primary objective for the Sixth Committee in framing a programme of activities for the Decade should therefore be to establish a process by which such a political vision for a future international legal system can be developed and articulated, and a broad consensus formed behind it.

40. The greatest human struggle in history has been the struggle to assert the rule of law over the rule of force. For the rule of law to assert its legitimacy over the rule of force, it must prove itself to be a just and democratic law.

There is a necessary link between the struggle for the rule of law, and the struggle for human rights and democratic governance.

41. A political vision for the future of the international legal system can be put in terms of the democratic governance of international life, with the final goal being a new constitutional arrangement for a planetary society which establishes in law the rights and obligations of citizens and national Governments as members of this society. Such a constitution would best be federal in design, in that States would continue to exercise sovereign power in their internal affairs while delegating authority to international legal institutions in certain well-defined and limited areas.

A programme of action for the Decade of International Law: recommendations for the Sixth Committee

42. WAWF urges that, in considering the purpose and programme of activities for the Decade of International Law, the Sixth Committee at the forty-fifth session of the General Assembly work towards the adoption of the strongest possible resolution, one which recognizes the urgency of progress in this area and the need for determination.

43. The Decade should focus on improving the workings of the international legal system and its institutions. Governments should resist using the rubric of the Decade for negotiations of specific conventions that, while adding to the body of international law, do not address the system per se. Such negotiations do not need the framework of the Decade.

44. WAWF urges the Sixth Committee to seek a resolution which:

(a) Would affirm that a primary orientation of the Decade is the strengthening of the rule of law, through the strengthening of the institutions and procedures of the international legal system, including enhancing procedures and mechanisms for democratically making, implementing, adjudicating and enforcing international law;

(b) Would establish as a primary objective for the Decade the launching of a process by which a political vision for a future international legal system can be developed and articulated, and a broad consensus formed behind it;

(c) Would decide, to that end, that a specific goal should be the drafting and adoption of a declaration affirming that the strengthening of the international legal system according to democratic principles shall be a primary goal of the United Nations and committing States into the future to the common task of achieving it;

(d) Would decide also that an early activity of the Decade should be the stimulation of thinking and the gathering of opinion from all sectors of society on the future of the international legal system by:

- (i) Establishment of a group of experts on the future needs of the international legal system to undertake a study. This group of experts should hold regional hearings to solicit the views of the public and report to the General Assembly with recommendations;
- (ii) Holding regional conferences to generate discussion of means of strengthening the international legal system, and to provide proposals for the consideration of the group of experts on the future needs of the international legal system. These conferences should also seek to widen understanding of international law by bringing to bear other fields of human knowledge, inter alia, sociology, social psychology, anthropology, and ethnology;
- (iii) Holding a special session on the future needs of the international legal system as early as possible in the Decade to catalyze and focus high-level deliberation on a new legal order;

(e) Would decide that a third international peace conference be held as early as possible in the Decade with the purpose of (i) assessing the work of the Decade; (ii) considering further steps towards achieving the purposes of the Decade; (iii) gathering additional views from all sectors on ways to proceed; (iv) adopting a final statement on the future of the international legal order; and (v) adopting such additional agreements as may be ready;

(f) Would affirm the goal of the development of an international civil society based on democratic principles; and, recognizing the need for a more direct relationship between the individual and the international legal system, urges consideration be given in all fora related to the Decade of International Law to a United Nations parliamentary assembly along the lines of the early European Parliament;

- (g) Would identify as the programme of activities of the Decade, inter alia:
 - (i) To promote acceptance of and respect for the principles of international law and to promote the means and methods for the peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice by (a) development of strategies and instruments for promoting the wider acceptance of the binding jurisdiction of the Court; and (b) providing a mechanism by which the International Court of Justice or an international criminal court could order action for the enforcement of certain categories of rulings, especially warrants for the arrest of those engaged in the most serious offences;
 - (ii) To encourage the progressive development of international law and its codification by (a) completion of the code of crimes against the peace and security of mankind. Towards this end consideration should be given to the creation of a special United Nations negotiating body, similar in principle to the Conference on Disarmament in its relation to the First Committee, to work closely with the International Law Commission and the Sixth Committee to focus the political will necessary to solve

outstanding problems; and (b) creation of an international criminal court, or a new mechanism within the International Court of Justice, with competence to try individuals for crimes under international law, including drug trafficking, terrorism, and crimes arising out of the code of crimes against the peace and security of mankind;

- (iii) To encourage the teaching, study, dissemination and wider appreciation of international law by (a) establishment of a United Nations center or other mechanism, perhaps within the United Nations University framework, to facilitate achieving this goal; and (b) establishment of a voluntary fund within the United Nations to provide grants in support of international public and non-governmental organizations activities;

(h) Would decide that a primary objective of the Decade would be to devise and launch a process of political negotiations, comprehensive in character and scope, directed at achieving "appropriate international instruments" for the reform of the international legal system in all its aspects, including, in addition to the foregoing proposals:

- (i) Agreement on a method for passing certain categories of treaties ratified by a high majority of States into universal law binding also on those States which have not signed;
- (ii) Development of a mechanism or process within the United Nations for the initiation of international legal proceedings against violators of international customary law in those cases where there is not an individual State prepared to act;
- (iii) Creation of an international court of human rights;
- (iv) Implementation of a system of international taxation;

(i) Would urge Governments to take immediate action in fulfilling the aims of the Decade by:

- (i) Moving with greater speed to ratify existing conventions, particularly in the area of human rights;
- (ii) Moving unilaterally to accept the compulsory jurisdiction of the International Court of Justice;
- (iii) Providing national funding for domestic public activities related to the Decade of International Law.

45. The Decade of International Law was considered at the WAWF Council meeting on 13 July 1990. In addition to the basic proposals relating to procedures and institutions for strengthening international law it was agreed to submit the following additional concrete substantive proposals for consideration by the General Assembly at its forty-fifth session as part of the programme for the Decade, as matters for priority action:

- (a) Fuller use of the International Court of Justice:
 - (i) Universal acceptance of the optional clause on compulsory jurisdiction contained in article 36, paragraph 2, of the Statute of the Court - without reservations;
 - (ii) Equal access for intergovernmental organizations as parties to disputes (revised art. 34 of the Statute);
- (b) Access for intergovernmental organizations to become parties to multilateral conventions (between States) relevant to their work. Especially elaboration of additional protocol to that effect to the Geneva Conventions on warfare of 1949 in order to secure humanitarian protection of members of international forces equal to that of national soldiers;
- (c) Assumption by the United Nations or specialized organizations of sovereign Powers over the high seas and outer space in order to be able to exercise legislative and other binding powers, with democratic control and weighted voting, in those areas for environment protection and other purposes;
- (d) Creation of a United Nations regional mediation service to mediate disputes that may threaten the peace and security of any region;
- (e) Creation of special arbitral tribunals to adjudicate special types of disputes, such as, inter alia, environmental and boundary disputes.
